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12 Attorneys for Plaintiff and
13 Cross-Defendant CHURCH OF
14 SCIENTOLOGY INTERNATIONAL

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 FOR THE COUNTY OF MARIN

17 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
18 INTERNATIONAL, a California not-)
19 for-profit religious corporation;) EVIDENCE IN SUPPORT OF
20 Plaintiffs,) CHURCH OF SCIENTOLOGY
21 vs.) INTERNATIONAL'S MOTION FOR
22) SUMMARY JUDGMENT OR, IN THE
23) ALTERNATIVE, SUMMARY
24) ADJUDICATION, AS TO GERALD
25) ARMSTRONG'S SECOND AMENDED
26) CROSS-COMPLAINT
27)
28) Defendants.)

[C.C.P. 437c]

29 GERALD ARMSTRONG,)
30 Cross-Complainant,) DATE: September 9, 1994
31 vs.) TIME: 9:00 a.m.
32) DEPT: 1
33)
34) DISC. CUT-OFF: Aug. 30,
35) 1994
36) MOTION CUT-OFF: Sept. 13,
37) 1994
38) TRIAL DATE: Sept. 29, 1994
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INDEX TO EXHIBITS

EXHIBIT 1: Declaration of Timothy Bowles Authenticating Documents Filed and Served in the Case of Church of Scientology International v. Steven Fishman, et al., United States District Court for the Central District of California, Case No. 91-6426 HLH (Tx).

EXHIBIT 1(A): Defendant's List of Proposed Witnesses Pursuant to Local Rule 9.4.5 dated August 26, 1992, thus authenticated.

EXHIBIT 1(B): Second Supplemental and Amended List of Witnesses to be Called by Defendant, Uwe Geertz, Ph.D, dated December 1, 1993, thus authenticated.

EXHIBIT 1(C): Amended and Supplemental List of Witnesses Who May Be Called at Trial by Defendant, Uwe Geertz, Ph.D, dated December 22, 1993, thus authenticated.

EXHIBIT 1(D): List of Witnesses Who May Be Called at Trial by Defendant, Uwe Geertz, Ph.D, dated January 10, 1994, thus authenticated.

EXHIBIT 1(E): Second Amended List of Witnesses Who May Be Called at Trial by Defendant, Uwe Geertz, Ph.D, dated January 28, 1994, thus authenticated.

EXHIBIT 1(F): Third Amended List of Witnesses Who May Be Called at Trial by Defendant, Uwe Geertz, Ph.D, dated February 15, 1994, thus authenticated.

EXHIBIT 1(G): Defendant, Uwe Geertz, Ph.D.'s Brief Narrative Statements Regarding Expected Testimony of Expert Witnesses, pages 1-3, dated December 7, 1993, thus authenticated.

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EXHIBIT 1(H): Declaration of Robert Vaughn Young, pages 1, 26-17, and 48 dated October 25, 1993, and Exhibit N thereto, p. 1, thus authenticated.

EXHIBIT 1(I): Defendant Uwe Geertz's List of Witnesses, Pursuant to Local Rule 6.1.4, dated October 5, 1993, thus authenticated.

EXHIBIT 1(J): Declaration of David Miscavige, dated February 8, 1994, thus authenticated.

EXHIBIT 2: Declaration of Laurie J. Bartilson Authenticating Deposition Transcripts, Declarations, Requests for Production of Documents, Responses to Requests for Production of Documents, Motion to Compel, and Report and Recommendation of Discovery Referee.

EXHIBIT 2(A): Deposition of Gerald Armstrong, taken in Church of Scientology International v. Gerald Armstrong, L.A. Cty. Sup.Ct. No. BC 052395, dated July 22, 1992, pp. 267-269;

EXHIBIT 2(B): Deposition of Gerald Armstrong, Church of Scientology International v. Gerald Armstrong, L.A. Cty. Sup.Ct. No. BC 052395, dated March 10, 1993, pp. 535-536, 545;

EXHIBIT 2(C): Deposition of Gerald Armstrong, Church of Scientology International v. Gerald Armstrong and Michael Walton, et al., Sup.Ct. Cty of Marin No. 157 680, dated March 17, 1994, pp. 79-87;

EXHIBIT 2(D): Declaration of Graham Berry, dated March 16, 1992, and attachment thereto, filed in support of Joseph A. Yanny's Amicus Curiae Brief in Opposition to Plaintiff's

1 Order to Show Cause re Preliminary Injunction, filed in
2 Church of Scientology International v. Gerald Armstrong,
3 L.A. Cty. Sup.Ct. No. BC 052395;

4 **EXHIBIT 2(E):** Plaintiff's First Request for the Production
5 of Documents by Defendant Gerald Armstrong, served in this
6 case on August 9, 1993;

7 **EXHIBIT 2(F):** Plaintiff's Second Request for the Production
8 of Documents by Defendant Gerald Armstrong, served in this
9 case on September 16, 1993;

10 **EXHIBIT 2(G):** Gerald Armstrong's Responses to Plaintiff's
11 First Request for Production of Documents, served in this
12 case on October 4, 1993;

13 **EXHIBIT 2(H):** Gerald Armstrong's Responses to Plaintiff's
14 Second Request for Production of Documents, served in this
15 case on October 4, 1993;

16 **EXHIBIT 2(I):** Notice of Motion and Motion to Compel
17 Production of Documents from Defendant Gerald Armstrong,
18 filed in this case on November 24, 1993;

19 **EXHIBIT 2(J):** Memorandum of Points and Authorities in
20 Support of Motion to Compel Production of Documents from
21 Defendant Gerald Armstrong, filed in this case on November
22 24, 1993;

23 **EXHIBIT 2(K):** Report and Recommendation of Discovery
24 Referee with Proposed Order re Plaintiff's Motion to Compel
25 Production of Documents by Defendants and Order, filed in
26 this case on February 10, 1994.

27 **EXHIBIT 3:** Declaration of Lynn R. Farny in Support of
28 Church of Scientology International's Motion for Summary

1 Andrew H. Wilson SBN 063209
2 WILSON, RYAN & CAMPILONGO
3 235 Montgomery Street
4 Suite 450
5 San Francisco, California 94104
6 (415) 391-3900

7 Laurie J. Bartilson SBN 139220
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9 6255 Sunset Boulevard, Suite 2000
10 Hollywood, CA 90028
11 (213) 953-3360

12 Attorneys for Plaintiff and
13 Cross-Defendant CHURCH OF
14 SCIENTOLOGY INTERNATIONAL

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 FOR THE COUNTY OF MARIN

17 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
18 INTERNATIONAL, a California not-)
19 for-profit religious corporation;) DECLARATION OF TIMOTHY
20) BOWLES AUTHENTICATING
21 Plaintiffs,) DOCUMENTS FILED AND SERVED
22) IN THE CASE OF CHURCH OF
23 vs.) SCIENTOLOGY INTERNATIONAL
24) V. STEVEN FISHMAN, ET AL.,
25 GERALD ARMSTRONG; MICHAEL WALTON;) UNITED STATES DISTRICT
26 et al.,) COURT FOR THE CENTRAL
27) DISTRICT OF CALIFORNIA,
28 Defendants.) CASE NO. 91-6426 HLH (TX).

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30) **[C.C.P. 437c]**
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101 I, Timothy Bowles, hereby declare:

102 1. My name is Timothy Bowles. I am a member of the law firm,

1 Bowles and Moxon, representing plaintiff in this action. I am
2 also attorney of record for plaintiff, Church of Scientology
3 International, in the case of Church of Scientology International
4 v. Steven Fishman, et al., United States District Court for the
5 Central District of California, Case No. 91-6426 HLH (Tx). I
6 have personal knowledge of the facts set forth in this
7 declaration and could competently testify thereto if called as a
8 witness.

9 2. Attached hereto and incorporated herein are true and
10 correct copies of documents submitted as exhibits in support of
11 Church of Scientology International's Motion for Summary Judgment
12 or in the Alternative Summary Adjudication, as to Gerald
13 Armstrong's Second Amended Cross-complaint. Each of these
14 documents was served on me, my partner, Kendrick L. Moxon, or on
15 our associate, Robert Wiener, in our capacity as the Church's
16 attorneys, on or about the dates indicated on their attached
17 proofs of service:

18 **EXHIBIT A:** Defendant's List of Proposed Witnesses
19 Pursuant to Local Rule 9.4.5 dated August 26, 1992.

20 **EXHIBIT B:** Second Supplemental and Amended List of
21 Witnesses to be Called by Defendant, Uwe Geertz, Ph.D, dated
22 December 1, 1993.

23 **EXHIBIT C:** Amended and Supplemental List of Witnesses
24 Who May Be Called at Trial by Defendant, Uwe Geertz, Ph.D,
25 dated December 22, 1993.

26 **EXHIBIT D:** List of Witnesses Who May Be Called at Trial
27 by Defendant, Uwe Geertz, Ph.D, dated January 10, 1994.

28 **EXHIBIT E:** Second Amended List of Witnesses Who May Be

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Called at Trial by Defendant, Uwe Geertz, Ph.D, dated
January 28, 1994.

EXHIBIT F: Third Amended List of Witnesses Who May Be
Called at Trial by Defendant, Uwe Geertz, Ph.D, dated
February 15, 1994.

EXHIBIT G: Defendant, Uwe Geertz, Ph.D.'s Brief
Narrative Statements Regarding Expected Testimony of Expert
Witnesses, pages 1-3, dated December 7, 1993.

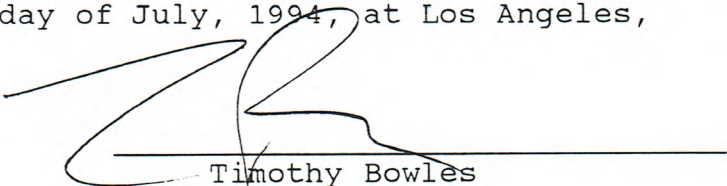
EXHIBIT H: Declaration of Robert Vaughn Young, pages 1-
2, 26-17, and 48 dated October 25, 1993, and Exhibit N
thereto, p. 1.

EXHIBIT I: Defendant Uwe Geertz's List of Witnesses,
Pursuant to Local Rule 6.1.4, dated October 5, 1993.

EXHIBIT J: Declaration of David Miscavige, dated
February 8, 1994 and attached Exhibits A-D.

I declare under the penalty of perjury under the laws of the
State of California that the foregoing is true and correct.

Executed this 22nd day of July, 1994, at Los Angeles,
California.


Timothy Bowles

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY INTERNATIONAL,)
Plaintiff,)
vs.)
STEVEN FISHMAN and UWE GEERTZ,)
Defendants.)
CASE NO. 91-6426-HLH(TX)
DEFENDANT'S LIST OF
PROPOSED WITNESSES
PURSUANT TO LOCAL RULE
9.4.5
DATE: AUGUST 26, 1992
TIME: 5:00 P.M.

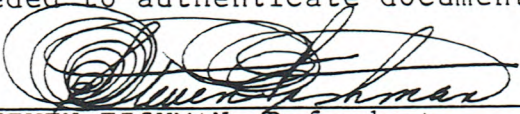
Pursuant to Local Rule 9.4.5. Defendant Fishman submits the following list of the names and addresses of fact and expert witnesses (excluding witnesses for impeachment or rebuttal):

1. Margery Wakefield
Coalition for Concerned Citizens
5128 Gainesville Drive
Tampa, Florida 33617
2. Eddie Da Rocha
2019 Victoria Court
Los Altos, California 94024
3. Richard Padilla
244 4th Avenue
San Francisco, California 94118
4. Cathi Pennea Slack
Post Office Box # 612
Rantoul, Illinois 61866
5. Lawrence Wollersheim
Post Office Box # 10910
Aspen, Colorado 81612
6. Lorna Levett
607-209 8th Avenue
S. W. Calgary, Alberta
Canada T2P-1B8
7. William Jordan
Post Office Box # 70399
Reno, Nevada 89570

8. Dr. Richard Ofshe
7112 Marlborough Terrace
Berkeley, California 94705
9. Dr. Margaret T. Singer
17 El Camino Real
Berkeley, California 94705
10. Dr. Engin Aksu, M.D.
Fort Lauderdale, Florida 33301
11. Mr. Peter Comras
Alexandria, Virginia
12. Dr. Louis Jolyon West
UCLA Medical Center
Los Angeles, California
13. Mr. Jack Douglas Johnson
Register No. # 04530-018
FCI Tallahassee
PMB 1000
Tallahassee, Florida 32301-3572
14. Dr. Ron Neuhring
Metropolitan Correctional Center of Miami
15801 S. W. 137th Avenue
Miami, Florida 33177
15. Dr. Uwe W. Geertz
1312 East Broward Boulevard
Fort Lauderdale, Florida 33301
16. Mr. David Miscavige
Religious Technology Center
1700 Ivar Avenue
Los Angeles, California 90029
17. Mr. Dennis Angelo
Clearwater Police Department
644 Pierce Street
Clearwater, Florida 34616
18. Mr. Angelo Troncoso
2203 North Lois Avenue, Suite # 308
Tampa, Florida 33607
19. Mr. Terry R. Kroggel, CPA
9600 Koger Boulevard
St. Petersburg, Florida 33702
20. Ms. Annica Johansson
Ekhagsringen 8C
55456 Jonkoping Sweden
21. Mr. Gerry Armstrong
7070 Fawn Drive
Sleepy Hollow, California 94960

22. Mr. Brendan Moore
613, 815 1st Street, S. W.
Calgary, Alberta
Canada T2P-1N3
23. Mr. George W. Blow, III
1105 Hays Street
Tallahassee, Florida 32317-2608
24. Mr. Ray Mithoff
Church of Scientology Flag Service Organization
210 S. Fort Harrison Avenue
Clearwater, Florida 34615
25. Dr. Peter Ganshirt
Lakeside Park, Kentucky
26. Ms. Melànie Mullaney
3111 Belvedere Drive
Green Valley, Nevada 89014
27. Mr. Frank Thompson
Ethics Officer
Church of Scientology Miami Org
120 Giralda Avenue
Coral Gables, Florida 33124
28. Mr. Simon Gabay
Register No. 17534-004
FCI Bastrop
Post Office Box # 730
Highway 95
Bastrop, Texas 78402
29. Dr. Ron Johnson
680 N. W. 19th Street, Apartment # 107
Fort Lauderdale, Florida 33311
30. Mr. Eitan Talit
14 Hilltop Place
Albertson, New York 11507
31. Dr. Daniel M. Lipshutz, M.D.
1148 Fifth Avenue
New York City, New York 10028
or Riverside, New York
32. Mr. Keith Nassetta
7770 West Oakland Park Boulevard, Suite # 300
Lauderhill, Florida 33321
33. All witnesses designated by Plaintiff and Defendant
Geertz in discovery or the pre-trial meeting of counsel.
34. Additional witnesses as needed to authenticate documents.

Dated: August 26, 1992


STEVEN FISHMAN, Defendant
17280-004, PMB 1000, Tallahassee, FL

PROOF OF SERVICE

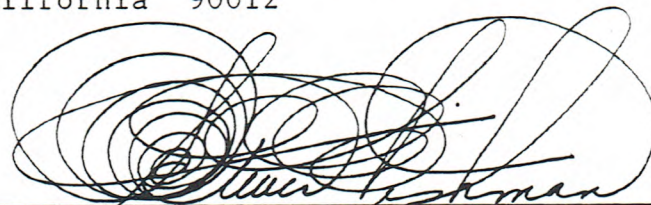
STATE OF FLORIDA)
COUNTY OF LEON)

ss:

On August 26, 1992, I served the following document described as DEFENDANT'S LIST OF PROPOSED WITNESSES PURSUANT TO LOCAL RULE 9.4.5 on Plaintiff Church of Scientology in this action by giving a true copy thereof in a sealed envelope to the C Unit Correctional Officer at the Federal Correctional Institution of Tallahassee with instructions to place this envelope in the mail bag of the United States Mail to be mailed with the outgoing mail at Tallahassee, Florida, addressed as follows:

Mr. Timothy Bowles or
Mr. Robert Wiener
Bowles & Moxon
6255 Sunset Boulevard, Suite # 2000
Hollywood, California 90028

Mr. Mark Augustine or
Mr. Jeff B. Barton or
Mr. Christopher C. Love
Lewis, D'Amato, Brisbois & Bisgaard
221 North Figueroa Street, Suite # 1200
Los Angeles, California 90012



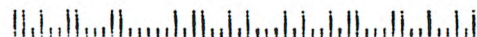
STEVEN FISHMAN, Defendant
17280-004
C/N Unit
FCI Tallahassee
PMB 1000
Tallahassee, Florida 32301-3572

NAME Mr. Steven Fishman
REGISTER NO. 17280-004, C/N Unit, FCI Tallahassee
PMB 1000

TALLAHASSEE, FLORIDA 32311 3400



Mr. Timothy Bowles
or Mr. Robert Wiener
Bowles & Moxon
6255 Sunset Boulevard, Suite # 2000
Hollywood, California 90028



1 GRAHAM E. BERRY
2 GORDON J. CALHOUN
3 LEWIS, D'AMATO, BRISBOIS & BISGAARD
4 221 North Figueroa Street, Suite 1200
5 Los Angeles, California 90012
6 (213) 250-1800

7 Attorneys for Defendant UWE GEERTZ, Ph.D.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 CHURCH OF SCIENTOLOGY) No. CV 91-6426 HLH (Tx)
12 INTERNATIONAL,)
13 Plaintiff,) SECOND SUPPLEMENTAL AND AMENDED
14 vs.) LIST OF WITNESSES TO BE CALLED
15 STEVEN FISHMAN and UWE GEERTZ,) BY DEFENDANT, UWE GEERTZ, PH.D.
16 Defendants.) (Local Rules 6.1.4 and 9.4.5).

17 Defendant, Uwe Geertz, Ph.d., submits the following list of
18 witnesses, both expert and percipient, Pursuant to local rules
19 6.1.4 and 9.4.5. This witness list is provisional because
20 document, deposition and written discovery is continuing for at
21 least another four (4) weeks. Dr. Geertz therefore reserves the
22 right to revise, amend and supplement this list on an ongoing basis
23 until otherwise stated or pursuant to Local Rules or Court order.
24 Rebuttal and impeachment witnesses are not necessarily included in
25 this list. Expert witnesses are still being identified, and any
26 identification of experts at this time is also subject to revision,
27 amendment, addition, deletion and change. Also, many of the

1 witnesses identified as experts also have percipient knowledge.
2 Dr. Geertz presently intends to call the following witnesses to
3 testify at the trial of this matter:

- 4 1. Leah Abady, Church of Scientology of Florida,
5 120 Giralda Avenue, Coral Gables, Florida 33134;
- 6 2. Elgin Aksu, M.D., 1219 S.E. 4th Ave., Ft.
7 Lauderdale, Florida 33021;
- 8 3. Brian Andrus, address unknown at present;
- 9 4. Gerry Armstrong, (Defendant Geertz's expert) c/o Ford
10 Greene, 711 Sir Francis Drake Blvd., San Anselmo, CA
11 94960-1949;
- 12 5. Vicki Aznaran, Phoenix Investigations (Defendant
13 Geertz's expert), address to be provided;
- 14 6. Richard Aznaran, (Defendant Geertz's expert), address to
15 be provided;
- 16 7. Paul Baressi, address unknown at present;
- 17 8. Glenn Basken, address unknown at present;
- 18 9. Camille Barnett, address unknown at present;
- 19 10. Candice Barnett, address unknown at present;
- 20 11. Michael Baybak, address unknown at present;
- 21 12. Richard Behar, c/o Floyd Abrams, Esq., Cahill, Gordon &
22 Reindel, 80 Pine Street, New York, New York 10005;
- 23 13. Ellie Bolger, address unknown at present;
- 24 14. William L. Bowman (Plaintiff's expert)
25 14412 San Jose Street, Mission Hills,
26 California 91345;
- 27 15. Dr. Bennett Braun, (Defendant Geertz's expert) Associated
28 Mental Health Services Rush Northe Shore Medical Center,

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- Suite 409, 9669 N. Kendon Avenue, Skokie, Illinois 60076;
16. George Brinder Ph.D. (Defendant Geertz's expert), 10856 Wilshire Boulevard, Suite 275, Los Angeles, California 90024;
17. Mario Brigliatto, address unknown at present;
18. George Brinton, Ph.D., 10856 Wilshire Boulevard, Suite 275, Los Angeles, California 90024;
19. Dr. Daniel Brown, (Defendant Geertz's expert) address to be provided;
20. David Butterworth, c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028;
21. John Carmichael, address unknown at present;
22. Donna Casselman, address unknown at present;
23. Pat Clouden, address unknown at present;
24. Dr. Harold Crasilnek, (Defendant Geertz's expert) address to be provided;
25. Priscilla Coates, address unknown at present;
26. Bent Corydon, address unknown at present;
27. Paula Ross Dain, address unknown at present;
28. Paula Ross Davis, address unknown at present;
29. Park Deitz, M.D., 537 Newport Center Drive, Newport Beach, California 92660;
30. Hon. Robert L. Dondero, Municipal Court, County of San Francisco, Hall of Justice, 850 Bryant Street, San Francisco, CA 94103;
31. Richard Drooyan, Esq., (Defendant Geertz's expert) 200 S. Grand Avenue, Los Angeles,

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- California 90071-3144;
- 32. Lavenda Dukoff (Van Scheick), address unknown at present;
- 33. Jonathan (Jonno) Epstein, c/o Bowles & Moxon,
6255 Sunset Boulevard, Suite 2000, Hollywood,
California 90028;
- 34. Lynn Farny, c/o Bowles and Moxon, 6255 Sunset
Boulevard, Suite 2000, Hollywood, California
90028;
- 35. Mark Fisher, address unknown at present;
- 36. Steven Fishman, 8851 Sunrise Lakes Blvd.,
Apt. No. 116, Sunrise, Florida 33322;
- 37. Jack Fishman, 8851 Sunrise Lakes Boulevard,
Apartment No. 116, Sunrise, Florida 33322;
- 38. Beverly Flahan, Church of Scientology of
Florida, 120 Giralda Avenue, Coral Gables,
Florida 33134;
- 39. Humberto Fontana, address unknown at present;
- 40. Charles Fox, address unknown at present;
- 41. Michael Flynn, Esq. (Roxanne's Friend), address
unknown at present;
- 42. Terri Gamboa, address unknown at present;
- 43. Dr. Peter Ganshirt, address unknown at present;
- 44. John J. Gaw, Esq., address unknown at present;
- 45. Dorli Geertz, Ph.D., 18000 S.W. 57th St., Ft.
Lauderdale, Florida 33331;
- 46. Uwe W. Geertz, Ph.D., 1312 East Broward
Boulevard, Fort Lauderdale, Florida 33301;
- 47. Ms. Carolyn Geertz, 1312 East Broward

- 1 Boulevard, Fort Lauderdale, Florida 33301;
- 2 48. Ken Gerbino, address unknown at present;
- 3 49. Frank Gerbode, address unknown at present;
- 4 50. Faye J. Girsh Ed.D. (expert), 401 West A St., Suite
- 5 1200, San Diego, CA 92101;
- 6 51. Steve Goldberg, 200 Diplomat Parkway, Apt. 826,
- 7 Hallandale, Florida 33009;
- 8 52. Robert K. Goldman, Federal Bureau of Investigation,
- 9 1000 Fourth Street, San Rafael, CA 94901, (415)
- 10 454-0513;
- 11 53. Ford Greene, Esq., (Defendant Geertz's expert) c/o Ford
- 12 Greene, 711 Sir Francis Drake Blvd., San Anselmo, CA
- 13 94960-1949;
- 14 54. Nell S. Greene, address unknown at present;
- 15 55. Leona Littler Grimm, Church of Scientology of
- 16 Florida, 120 Giralda Avenue, Coral Gables,
- 17 Florida 33134;
- 18 56. Michael Hambrick, 371 East Commercial Blvd.,
- 19 Ft. Lauderdale, Florida 33334;
- 20 57. Fran A. Hardy, address unknown at present;
- 21 58. Dori Hare, 1135 9th Street, North St.
- 22 Petersburg, Florida; 33705
- 23 59. Fred Hare, 1135 9th Street, North, St.
- 24 Petersburg, Florida 33705;
- 25 60. Curtis Harmon, address unknown at present;
- 26 61. Fran Harris, address unknown at present;
- 27 62. Fred Harris, address unknown at present;
- 28 63. Dr. Sandra Hayman, address unknown at present;

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- 64. James R. High, M.D., 1460 Seventh Street, Suite 306, Santa Monica, California 90401;
- 65. Dusty Hipps, 5611 Lincoln Street, Hollywood, Florida 33021;
- 66. Rita Hipps, 5611 Lincoln Street, Hollywood, Florida 33021;
- 67. Dianna Hubbard Horwich, address unknown at present;
- 68. Eugene Ingram, c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028;
- 69. Louis Jassin, 5550 N.W. 44th St., Apt. B-103, Lauderhill, Florida 33319;
- 70. Heber Jentzsch, c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028;
- 71. Karen Jentzsch aka Karen Barta aka Karen De La Carriere, address unknown at present;
- 72. Dr. Louis Jolyon West, U.C.L.A. Medical Center, Los Angeles, California;
- 73. Shane Joseph Johnson, 601 Three Islands Blvd., Apt. 304, Hallandale, Florida;
- 74. William Jordan, P.O. Box 70399, Reno, Nevada 89570;
- 75. Ray Jourdain, Church of Scientology of Florida, 120 Giralda Avenue, Coral Gables, Florida 33134;
- 76. William E. Kemp, Jr., Federal Bureau of Investigation, 16320 N.W. Second Ave., Miami, Florida.

- 1 77. Stephen A. Kent, (Defendant Geertz's expert);
- 2 78. Cynthia Kissler;
- 3 79. Barbara Koster, 4520 N.W. 33rd Street,
- 4 Ft. Lauderdale, Florida 33319;
- 5 80. Lenny Leibowitz, address unknown at present;
- 6 81. Daniel A. Leipold, Esq. (Defendant Geertz's
- 7 expert), 701 S. Parker Street, Suite 8200,
- 8 Orange, California 92668;
- 9 82. Barbara Fawcett Letterese, 5000 S.W.
- 10 148th Avenue, Fort Lauderdale, Florida
- 11 33330;
- 12 83. Peter Letterese, 5000 S.W. 148th Avenue,
- 13 Ft. Lauderdale, Florida 33330;
- 14 84. Lorna Levett, 607-209, 8th Avenue,
- 15 S.W. Calgary, Alberta Canada T2P 1B8;
- 16 85. Bob Levy, address unknown at present;
- 17 86. Ray William London, Ph.D. (Plaintiff's expert), 1125 East
- 18 Seventeenth Street, Suite E-209, Santa Ana,
- 19 California 92701;
- 20 87. Kenneth Long, Esq., c/o Bowles & Moxon,
- 21 6255 Sunset boulevard, Suite 2000,
- 22 Hollywood, California 90028;
- 23 88. Mr. Lottick, address unknown at present;
- 24 89. Nan Mclean, address unknown at present;
- 25 90. Dr. Don Macias, address unknown at present;
- 26 91. Irene Marshall, address unknown at present;
- 27 92. Scott Mayer, address to be provided;
- 28 93. David Mayo, address unknown at present;

- 1 94. James Miller, address unknown at present;
- 2 95. Lazaro Mirabel, address unknown at represent;
- 3 96. David Miscavage, c/o Religious Technology
- 4 Center, 1200 Ivar Avenue, Los Angeles,
- 5 California 90029;
- 6 97. Shelley Miscavige, address unknown at present;
- 7 98. Ray Mithoff, c/o Bowes & Moxon, 6255
- 8 Sunset Boulevard, Suite 2000,
- 9 Hollywood, California 90028;
- 10 99. David Mogle, address unknown at present;
- 11 100. Brendan Moore, address unknown at present;
- 12 101. Paul J. Moriarty, 300 Zack Street, Suite 400,
- 13 Tampa, Florida 33602;
- 14 102. Reggie Monce, address unknown at present;
- 15 103. Bonnie Mott, address unknown at present;
- 16 104. Keith Nassetta, 9351 N.W. 16th St., Ft.
- 17 Lauderdale, Florida 33332;
- 18 105. Milan Nekuda, address unknown at present;
- 19 106. John Nelson, address unknown at present;
- 20 107. Julie Nelson, address unknown at present;
- 21 108. Dr. Ron Neuhring, address unknown at present;
- 22 109. Jonathan Nordquist, address unknown at present;
- 23 110. Marc S. Nurik, Esq., 2937 Southwest Seventh Avenue, Suite
- 24 203, Miami, Florida 33123, and/or One Financial
- 25 Plaza, Suite 2612, Ft. Lauderdale, Florida 33394;
- 26 111. Dr. Charles Nutter, (Dr. Geertz's expert) address to be
- 27 provided;
- 28 112. Richard Ofshe, 7112 Marlborough, Terr. Berkeley,

CA 94705;

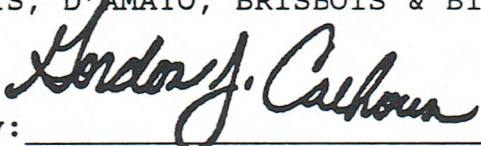
113. Charles O'Reilly, Esq., 4676 Admiralty Way,
#801, Marina Del Rey, California 90292;
114. Rev. Peter Paine, address unknown at present;
115. Dr. Leopoldo Perez, address unknown at present;
116. Toby Plevin, Esq., 10200 Santa Monica Boulevard,
#4300, Los Angeles, California 90025;
117. Jeff Quiros, c/o Bowles & Moxon, 6255 Sunset
Boulevard, Suite 2000, Hollywood, California 90028;
118. Bill Robertson, address unknown at present;
119. Dr. Rossi, address unknown at present;
120. Debbie Hubbert Rousson, address unknown at present;
121. Martin Samuels, address unknown at present;
122. Garry Scarff (Defendant Geertz's expert),
c/o Graham E. Berry, Esq., 221 North
Figueroa Street, Suite 1200, Los Angeles,
California 90012;
123. Michael Sedgewick, C.P.A (Defendant Geertz's
Expert), address to be provided;
124. Margaret Singer, 17 El Camino Real, Berkely,
California 94705;
125. Ken Shapiro, address unknown as present;
126. Toni Shrambanis, address unknown as present;
127. Cathi Pennea Slack, address unknown at present;
128. Randall (Randy) Spenser, c/o Bowles & Moxon,
6255 Sunset boulevard, Suite 2000, Los
Angeles, California 90028;
129. Norman Starkey, c/o Bowles & Moxon, 6255 Sunset

- 1 Boulevard, Suite 2000, Hollywood, California
2 90028;
- 3 130. Joyce Stephenson, 12021 Valley Heart Drive,
4 Apartment 202, Studio City, CA 91604;
- 5 131. Keith Stern, address to be provided;
- 6 132. Laurel Sullivan, address unknown at present;
- 7 133. Frank Thompson, Church of Scientology of
8 Florida, 120 Giralda Avenue, Coral Gables,
9 Florida 33134;
- 10 134. Julie Christofferson Tichbourne, address unknown
11 at present;
- 12 135. Richard Tinklenberg, address unknown at present;
- 13 136. Margery Wakefield, address unknown at present.
- 14 137. Kurt Weiland, c/o Bowles & Moxon, 6255 Sunset
15 Boulevard, Suite 2000, Hollywood, CA 90028;
- 16 138. Greg Wilhere, c/o Bowles & Moxon, 6255 Sunset
17 Boulevard, Suite 2000, Hollywood, CA 90028;
- 18 139. Lisa Witt, Church of Scientology of
19 Florida, 120 Giralda Avenue, Coral
20 Gables, Florida 33134;
- 21 140. Mark Witt, address unknown at present;
- 22 141. Nancy Witkowski, Church of Scientology of
23 Florida, 120 Giralda Avenue, Coral Gables,
24 Florida 33134;
- 25 142. Laurence Wollersheim (Defendant Geertz's expert),
26 P.O. Box 10910, Aspen, Colorado 81612;
- 27 143. Joseph A. Yanny, Esq., address unknown at
28 present;

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144. Marc Yeager, c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028;
145. Robert Vaughan Young (Defendant Geertz's expert), c/o Graham E. Berry, Esq., Lewis, D'Amato, Brisbois & Bisgaard, 221 N. Figueroa Street, Suite 1200, Los Angeles, CA 90012;
146. Stacy Young (Defendant Geertz's expert), c/o Graham E. Berry, Esq., Lewis, D'Amato, Brisbois & Bisgaard, 221 N. Figueroa Street, Suite 1200, Los Angeles, California 90012;
147. All witnesses identified, listed or called by plaintiff in this action.
148. Defendant Dr. Geertz reserves the right to amend, supplement and change this list, and further reserves the right to list, name, identify and/or call any and all additional witnesses deemed necessary for trial. Defendant Dr. Geertz may also call rebuttal and impeachment witnesses not listed here.

DATE: December 1, 1993 LEWIS, D'AMATO, BRISBOIS & BISGAARD


By: _____
GORDON J. CALHOUN,
Attorneys for Defendant
UWE GEERTZ, Ph.D.

PROOF OF SERVICE

I am employed in the County of Los Angeles. I am over the age of 18 years and not a party to this within action; my business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On **December 1, 1993**, I served on the interested parties in this action the within document entitled: SECOND SUPPLEMENTAL AND AMENDED LIST OF WITNESSES TO BE CALLED BY DEFENDANT, UWE GEERTZ, PH.D.

by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE SERVICE LIST

(BY MAIL) I caused such envelope(s) with postage thereon fully prepaid, to be deposited with the United States Postal Service at Los Angeles, California.

I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence will be deposited with the United States Postal Service on this same day in the ordinary course of business. I am aware that upon motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing as declared therein.

Executed on **December 1, 1993**, at Los Angeles, California.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(FEDERAL) I am employed by a member of the Bar of this Court at whose direction this service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Marcia Schwartz

SERVICE LIST

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Mr. Steven Fishman
8851 Sunrise Lakes Boulevard, #116
Sunrise, Florida 33322-1413

Jonathan W. Lubell, Esq.
MORRISON, COHEN, SINGER & WEINSTEIN
750 Lexington Avenue
New York, New York 10022

Robert Wiener, Esq. (By Facsimile Also)
BOWLES & MOXON
6255 Sunset Blvd., Suite 2000
Los Angeles, California 90028

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GRAHAM E. BERRY, Bar No. 128503
GORDON J. CALHOUN, Bar No. 84509
LEWIS, D'AMATO, BRISBOIS & BISGAARD
221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
(213) 250-1800

Attorneys for Defendant
UWE GEERTZ, Ph.D.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY	)	No. CV 91-6426 HLH (Tx)
INTERNATIONAL,)	
	)	AMENDED AND SUPPLEMENTAL LIST
Plaintiff,	)	OF WITNESSES WHO MAY BE CALLED
	)	AT TRIAL BY DEFENDANT, UWE
vs.	)	GEERTZ, PH.D.
)	
STEVEN FISHMAN and UWE GEERTZ,	)	(Local Rules 6.1.4, 9.4.5 and
	)	9.6).
Defendants.)	
<hr/>		Pre-Trial: January 31, 1994
		Trial: February 8, 1994

Defendant, Uwe Geertz, Ph.D., ("Dr. Geertz") submits the following list of witnesses, both expert and percipient, pursuant to Local Rules 6.1.4, 9.4.5 and 9.6. This witness list is provisional because document, deposition and written discovery is continuing for at least another nine (9) days, and investigation will continue through trial. Dr. Geertz therefore reserves the right to revise, amend, change and supplement this list on an ongoing basis until otherwise stated or pursuant to Local Rules or Court order. Rebuttal and impeachment witnesses are not necessarily included in this list. Expert witnesses are still being identified, and any identification of experts at this time is

65-

1 also subject to revision, amendment, addition, deletion and change.
2 Also, many of the witnesses identified as experts also have
3 percipient knowledge.

4 Further, Dr. Geertz's attorneys have been advised by Pro per
5 defendant Steven Fishman that he will be relying upon Dr. Geertz's
6 list of potential witnesses and brief narrative statements of
7 anticipated expert testimony, and may not have the opportunity to
8 compile his own witness list

- 9 1. Leah Abady, Church of Scientology of Florida, 120 Giralda
10 Avenue, Coral Gables, Florida 33134 or 12228 Bird Road,
11 Coral Gables, Florida 33146;
- 12 2. Elgin Aksu, M.D., 1219 S.E. 4th Ave., Ft.
13 Lauderdale, Florida 33021;
- 14 3. Janell Albach, address unknown at present;
- 15 4. Gene Allard, address unknown at present;
- 16 5. Fran Andrews, address unknown at present;
- 17 6. Gerry Armstrong, (Defendant Geertz's expert) c/o Ford
18 Greene, 711 Sir Francis Drake Blvd., San Anselmo, CA
19 94960-1949;
- 20 7. James R. Asperger, Esq. (Defendant Geertz's expert)
21 O'Melveny & Myers, 400 S. Hope Street, Los Angeles, CA
22 90071-2899;
- 23 8. Vicki Aznaran, (Defendant Geertz's expert) c/o Phoenix
24 Investigations, 5521 Greenville Avenue, Suite 1044,
25 Dallas, Texas 75206;
- 26 9. Richard Aznaran, (Defendant Geertz's expert), c/o Phoenix
27 Investigations, 5521 Greenville Avenue, Suite 1044,
28 Dallas, Texas 75206;

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- 10. Paul Barresi, address to be provided, Los Angeles, CA;
- 11. Glenn Basken, address unknown at present;
- 12. Camille Barnett, address unknown at present;
- 13. Candice Barnett, address unknown at present;
- 14. Carl Barney, address unknown at present;
- 15. Michael Baybak, Rabinowitz, Bodene, New York;
- 16. Richard Behar, c/o Floyd Abrams, Esq., Cahill, Gordon & Reindel, 80 Pine Street, New York, New York 10005;
- 17. Sam Binion or Benion, address unknown at present;
- 18. Ellie Bolger, address unknown at present;
- 19. Timothy Bowles, Esq., c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028;
- 20. Dr. Bennett Braun, (Defendant Geertz's expert) Associated Mental Health Services, North Shore Medical Center, Suite 409, 9669 N. Kendon Avenue, Skokie, Illinois 60076 or Associated Mental Health Services, 9701 N. Knox Avenue, Suite 103, Skokie, Illinois 60076;
- 21. Mario Brigliatto, address unknown at present;
- 22. George M. Brinton, Ph.D., (Defendant Geertz's expert) Brinton Economics, Inc., 10856 Wilshire Boulevard, Suite 375, Los Angeles, California 90024;
- 23. Pat Broeker, address unknown at present;
- 24. Annie Broeker, address unknown at present;
- 25. Dr. Daniel Brown, (Defendant Geertz's expert) Daniel Brown & Associates, 75 Cambridge Parkway, Suite 100, Cambridge, MA 02142;
- 26. David Butterworth, c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028;

- 1 27. Maggie Butterworth, c/o Bowles & Moxon, 6255 Sunset
2 Boulevard, Suite 2000, Hollywood, California 90028;
3 28. Donna Casselman, address unknown at present;
4 29. Gabe Cazares, address unknown at present;
5 30. Pat Clouden, address unknown at present;
6 31. Priscilla Coates, 1917 Hampton Lane, Glendale,
7 California 91201;
8 32. Marianne Coenan, address unknown at present;
9 33. Peter Comras, address unknown at present;
10 34. Bent Corydon, 2390 Prenda Avenue, Riverside,
11 California 92504;
12 35. Dr. Harold Crasilnek, (Defendant Geertz's expert)
13 Building C, Medical City, 7777 Forest Lane, Suite 606,
14 Dallas, Texas 75230;
15 36. Paula Ross Dain, address unknown at present;
16 37. Hon. Robert L. Dondero, Municipal Court, County of San
17 Francisco, Hall of Justice, 850 Bryant Street, No. 201,
18 San Francisco, CA 94103;
19 38. Charles Durning, address unknown at present.
20 39. Lavenda Dukoff (Van Scheick), address unknown at present;
21 40. Manfred Eichorn, address unknown at present;
22 41. Jonathan (Jonno) Epstein, c/o Bowles & Moxon, 6255 Sunset
23 Boulevard, Suite 2000, Hollywood, California 90028;
24 42. Lynn Farny, c/o Bowles and Moxon, 6255 Sunset Boulevard,
25 Suite 2000, Hollywood, California 90028;
26 43. Gary A. Feess, Esq. (Defendant Geertz's expert: re former
27 U.S. attorney) Quinn, Emanuel, Urquhart & Oliver 655 S.
28 Hope St., 16th Floor, Los Angeles, CA 90017;

- 1 44. Mark Fisher, address unknown at present;
- 2 45. Steven Fishman, (Defendant Geertz's expert) 8851 Sunrise
- 3 Lakes Blvd., Apt. No. 116, Sunrise, Florida 33322;
- 4 46. Jack Fishman, 8851 Sunrise Lakes Boulevard, Apartment No.
- 5 116, Sunrise, Florida 33322;
- 6 47. Beverly A. Flahan, Church of Scientology of Florida, 120
- 7 Giralda Avenue, Coral Gables, Florida 33134 or 1485 North
- 8 East 121st Street No. 406, North Miami, Florida 33161;
- 9 48. Humberto Fontana, address unknown at present;
- 10 49. Charles Fox, address unknown at present;
- 11 50. Michael Flynn, Esq., Flynn, Sheridan & Tabb, One Boston
- 12 Place, 26th Floor, Boston, MA 02108
- 13 51. William (Bill) Franks, last known address, 1223 Foxglove
- 14 Lane, West, Chester, PA 19380;
- 15 52. Raymond J. Friedman, M.D., Ph.D., (Defendant Geertz's
- 16 expert) Barrington Psychiatric Center, 1990 South Bundy
- 17 Drive, Suite 320, Los Angeles, CA 90025
- 18 53. Roxanne Friend, c/o Cummins & White, 865 S. Figueroa
- 19 Street, 24th Floor, Los Angeles, CA 90017;
- 20 54. Sandy Fuller, address unknown at present;
- 21 55. Terri Gamboa, address unknown at present;
- 22 56. Omar Garrison, address to be provided, Utah;
- 23 57. Dorli Geertz, Ph.D., 18000 S.W. 57th St., Ft.
- 24 Lauderdale, Florida 33331;
- 25 58. Uwe W. Geertz, Ph.D., (Defendant Geertz's expert) 1312
- 26 East Broward Boulevard, Fort Lauderdale, Florida 33301;
- 27 59. Ken Gerbino, address unknown at present;
- 28 60. Dr. Frank ("Sarge") Gerbode, (Defendant Geertz's

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- expert:re psychology) address to be provided, San Francisco, CA;
61. Robert K. Goldman, Federal Bureau of Investigation, 1000 Fourth Street, San Rafael, CA 94901, (415) 454-0513;
62. Luis Gonzales, address unknown at present;
63. Denise Granville, address unknown at present;
64. Ford Greene, Esq., (Defendant Geertz's expert) 711 Sir Francis Drake Blvd., San Anselmo, CA 94960-1949;
65. Nell S. Greene, address unknown at present;
66. Leona Littler Grimm, Church of Scientology of Florida, 120 Giralda Avenue, Coral Gables, Florida 33134 or 3500 Southeast 16th Terrace, Miami Florida 33145;
67. Clarice Guidice, address unknown at present;
68. Nancy Gurliacio, 3020 Northeast Fifth Street, Miami, Florida 33125;
69. Michael Hambrick, 371 East Commercial Blvd., Ft. Lauderdale, Florida 33334;
70. Fran A. Hardy, address unknown at present;
71. Dori Hare, 1135 9th Street, North St. Petersburg, Florida 33705;
72. Fred Hare, 1135 9th Street, North, St. Petersburg, Florida 33705;
73. Curtis Harmon, address unknown at present;
74. Dr. Sandra Haymon, address unknown at present;
75. Fran Harris, address unknown at present;
76. Fred Harris, address unknown at present;
77. Isaac Hayes, address unknown at present;

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- 78. James R. High, M.D., (Defendant Geertz's expert) 1460 Seventh Street, Suite 306, Santa Monica, California 90401;
- 79. Dianna Hubbard Horwich, address unknown at present;
- 80. Mary Sue Hubbard, 1400 Chiselburst Street, Los Angeles, California.
- 81. Eugene Ingram, 845 West Avenue 37, Los Angeles, California and/or c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028;
- 82. Heber Jentzsch, c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028;
- 83. Karen Jentzsch aka Karen Barta aka Karen De La Carriere, address unknown at present;
- 84. William Jordan, P.O. Box 70399, Reno, Nevada 89570;
- 85. Ray Jourdain, Church of Scientology of Florida, 120 Giralda Avenue, Coral Gables, Florida 33134 or 4722 Southeast 67th Avenue, Unit A-3, Miami, Florida 33155;
- 86. Jane Kember, address to be provided, United Kingdom;
- 87. William E. Kemp, Jr., Federal Bureau of Investigation, 16320 N.W. Second Ave., Miami, Florida;
- 88. Stephen A. Kent, (Defendant Geertz's expert) University of Alberta, Edmonton, Alberta, Canada;
- 89. Cynthia Kisser, c/o Cult Awareness Network, 2421 West Pratt Boulevard, #1173, Chicago Illinois 60645;
- 90. Cynthia ("Cat") Klinger, address unknown at present;
- 91. Barbara Koster, 4520 N.W. 33rd Street, Ft. Lauderdale, Florida 33319;
- 92. Robert L. Kuranz (Defendant Geertz's expert: re ink

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- analysis), 2208 Lombard Ave., Janesville, WI 53545;
93. Leonard Leibowitz aka L. Leibowitz aka Lenny Leibowitz, address unknown at present;
94. Daniel A. Leipold, Esq. (Defendant Geertz's expert), 701 S. Parker Street, Suite 8200, Orange, California 92668;
95. Guillame Lesevre, CSI, c/o Bowles & Morton, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028;
96. Barbara Fawcett Letterese, 5000 S.W. 148th Avenue, Fort Lauderdale, Florida 33330;
97. Peter Letterese, 5000 S.W. 148th Avenue, Ft. Lauderdale, Florida 33330;
98. Lorna Levett, 607-209, 8th Avenue, S.W. Calgary, Alberta Canada T2P 1B8;
99. Bob Levy, address unknown at present.
100. Juliette Lewis, address unknown at present.
101. Peter Lewis, address unknown at present.
102. Joe Lisa, address unknown at present;
103. Kenneth Long, Esq., c/o Bowles & Moxon, 6255 Sunset boulevard, Suite 2000, Hollywood, California 90028;
104. Ed Lottick, c/o William Keller, Esq., 1111 Melon Bank Center, Wilkes-Barre, PA 18701;
105. Nan Mclean, address unknown at present;
106. Luis Martinez, address unknown at present;
107. Belkos Martinez, address to be provided;
108. Scott Mayer, address to be provided;
109. David Mayo, (Defendant Geertz's expert: re the phenomenon and handling of PTS type 3's and the relevance of OT

- 1 ("Upper Level") and NOTS);
- 2 110. Michael Meisner, address unknown at present;
- 3 111. Jubin Merati, (Defendant Geertz's expert) Brinton
- 4 Economics, Inc., 10856 Wilshire Boulevard, Suite 375, Los
- 5 Angeles, California 90024;
- 6 112. Lazaro Mirabel, address unknown at represent;
- 7 113. David Miscavage, c/o Religious Technology Center, 1200
- 8 Ivar Avenue, Los Angeles, California 90029;
- 9 114. Shelley Miscavige, address unknown at present;
- 10 115. Gelda Mithoff, 6331 Hollywood Boulevard, Suite 120,
- 11 Los Angeles, California 90028, and/or
- 12 c/o Bowes & Moxon, 6255 Sunset Boulevard, Suite 2000,
- 13 Hollywood, California 90028;
- 14 116. Ray Mithoff, 6331 Hollywood Boulevard, Suite 120,
- 15 Los Angeles, California 90028, and/or
- 16 c/o Bowes & Moxon, 6255 Sunset Boulevard, Suite 2000,
- 17 Hollywood, California 90028;
- 18 117. David Mogle, address unknown at present;
- 19 118. Reggie Monce, address unknown at present;
- 20 119. Bonnie Mott, address unknown at present;
- 21 120. Kendrick Moxon, Esq., c/o Bowes & Moxon, 6255 Sunset
- 22 Boulevard, Suite 2000, Hollywood, California 90028;
- 23 121. Dr. Charles B. Mutter, M.D. (Defendant Geertz's expert)
- 24 1440 NW 14th Avenue, Miami, Florida 33125;
- 25 122. Keith Nassetta, 9351 N.W. 16th St., Ft.
- 26 Lauderdale, Florida 33332;
- 27 123. Milan Nekuda, address unknown at present;
- 28 124. John Nelson, last known address 365 Hot Springs

- 1 Road, Santa Barbara, California;
- 2 125. Julie Nelson, address unknown at present;
- 3 126. Dr. Ronald E. Neuhring, address to be provided;
- 4 127. Maxine Nightingale, address unknown at present;
- 5 128. Jonathan Nordquist, address unknown at present;
- 6 129. Marc S. Nurik, Esq., (Defendant Geertz's expert) 2937
- 7 Southwest Seventh Avenue, Suite 203, Miami, Florida
- 8 33123, and/or One Financial Plaza, Suite 2612, Ft.
- 9 Lauderdale, Florida 33394;
- 10 130. Richard Ofshe, (Defendant Geertz's expert) 7112
- 11 Marlborough, Terr. Berkeley, CA 94705;
- 12 131. Brian O'Neill, Esq. (Defendant Geertz's expert) O'Neill,
- 13 Lysaght & Sun, 100 Wilshire Blvd., Suite 700, Santa
- 14 Monica, CA 90401-1142;
- 15 132. Charles O'Reilly, Esq., 4676 Admiralty Way,
- 16 #801, Marina Del Rey, California 90292;
- 17 133. Peter Paine, address unknown at present;
- 18 134. Charles Parselle, Esq., 10200 Cima Mesa Road,
- 19 Little Rock, CA 93543;
- 20 135. Dr. Leopoldo Perez, address unknown at present;
- 21 136. Toby Plevin, Esq., 10200 Santa Monica Boulevard,
- 22 #4300, Los Angeles, California 90025;
- 23 137. Layn R. Phillips, Esq. (Defendant Geertz's expert) Irell
- 24 & Manella, 840 Newport Center Drive, Suite 500, Newport
- 25 Beach, CA 92660-6324;
- 26 138. Jeff Quiros, c/o Bowles & Moxon, 6255 Sunset
- 27 Boulevard, Suite 2000, Hollywood, California 90028;
- 28 139. Marty Rathbun, c/o Bowles & Moxon, 6255 Sunset

- 1 Boulevard, Suite 2000, Hollywood, California 90028;
- 2 140. Howard C. Rile, Jr. (Defendant Geertz's expert), 261 S.
- 3 Figueroa Street, Suite 285, Los Angeles, CA 90012-2501
- 4 141. Arthur Running Bear, address unknown at present;
- 5 142. Martin Samuels, address unknown at present;
- 6 143. Garry Scarff (Defendant Geertz's expert),
- 7 c/o Graham E. Berry, Esq., 221 North
- 8 Figueroa Street, Suite 1200, Los Angeles,
- 9 California 90012;
- 10 144. Homer Schomer, last known address 29712 Triufno Dr.,
- 11 Agoura, CA 91301;
- 12 145. Michael Sedgewick, C.P.A (Defendant Geertz's expert),
- 13 10100 Santa Monia Blvd., Suite 275, Los Angeles, CA
- 14 90067;
- 15 146. Margaret Singer, (Defendant Geertz's Expert) 17 El Camino
- 16 Real, Berkely, California 94705;
- 17 147. Ken Shapiro, c/o Bowles & Moxon, 6255 Sunset Boulevard,
- 18 Suite 2000, Los Angeles, California 90028;
- 19 148. Toni Shrambanis, address unknown as present;
- 20 149. Cathi Pennea Slack, address unknown at present;
- 21 150. Randall (Randy) Spenser, c/o Bowles & Moxon, 6255 Sunset
- 22 Boulevard, Suite 2000, Los Angeles, California 90028;
- 23 151. Norman Starkey, c/o Arthur Services, 7051 Hollywood
- 24 Boulevard, Hollywood, California 90028, and/or c/o Bowles
- 25 & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood,
- 26 California 90028;
- 27 152. Joyce Stephenson, 12021 Valley Heart Drive,
- 28 Apartment 202, Studio City, CA 91604;

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- 153. Keith Stern, address to be provided;
- 154. Andre Taboyayan, address to be provided;
- 155. Frank Thompson, Church of Scientology of Florida, 120 Giralda Avenue, Coral Gables, Florida 33134;
- 156. Richard Tinklenberg, address unknown at present;
- 157. John Travolta, 12522 Moorpark Avenue, #109, Studio City, California 91604;
- 158. Kelly Preston Travolta, 12522 Moorpark Avenue, #109, Studio City, California 91604;
- 159. Margery Wakefield, address unknown at present.
- 160. Kenneth (Kenny) Wasserman, Esq., Ten Universal City Plaza, # 2055, Universal City, CA 91608;
- 161. Kurt Weiland, 6331 Hollywood Boulevard, Suite 120, Los Angeles, California 90028, and/or c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028;
- 162. Robert Weiner, Esq., c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028;
- 163. Bruce Welsh, address unknown at present;
- 164. Dr. Louis Jolyon West, (Defendant Geertz's expert) U.C.L.A. Medical Center, Los Angeles, California;
- 165. Hana Whitfield, 661 North Occidental Blvd, Los Angeles, California 90026;
- 166. Jerry Whitfield, 661 North Occidental Blvd, Los Angeles, California 90026;
- 167. Greg Wilhere, Inspector General, RTC, 1710 Ivar Avenue, Suite 1100, Los Angeles, California 90028-5107, and/or c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000,

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- Hollywood, CA 90028;
168. Sandy Wilhere, c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028;
169. Lisa Witt, Church of Scientology of Florida, 120 Giralda Avenue, Coral Gables, Florida 33134;
170. Mark Witt, address unknown at present;
171. Nancy Witkowski, Church of Scientology of Florida, 120 Giralda Avenue, Coral Gables, Florida 33134;
172. Lawrence Wollersheim (Defendant Geertz's expert), P.O. Box 85 S. Union - G, Suite 209, Lakewood CO 80228;
173. Joseph A. Yanny, Esq., 1925 Century Park East, Suite 1260, Los Angeles, CA 90067;
174. Marc Yeager, 1710 Ivar Avenue, Suite 1100, Los Angeles, California 90028-5107, and/or c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028;
175. Robert Vaughan Young (Defendant Geertz's expert), c/o Graham E. Berry, Esq., Lewis, D'Amato, Brisbois & Bisgaard, 221 N. Figueroa Street, Suite 1200, Los Angeles, CA 90012;
176. Stacy Young (Defendant Geertz's expert), c/o Graham E. Berry, Esq., Lewis, D'Amato, Brisbois & Bisgaard, 221 N. Figueroa Street, Suite 1200, Los Angeles, California 90012;
177. Jon Zegel, last known address 11934 Riverside Drive, North Hollywood, California;
178. All witnesses identified, listed or called by plaintiff in this action.

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Defendant Dr. Geertz further reserves the right to amend, supplement and change this list, and further reserves the right to list, name, identify and/or call any and all additional witnesses deemed necessary for trial. Defendant Dr. Geertz may also call rebuttal and impeachment witnesses not listed here.

DATE: December 22, 1993

LEWIS, D'AMATO, BRISBOIS & BISGAARD
GRAHAM E. BERRY, ESQ.
GORDON J. CALHOUN, ESQ.

By: Gordon J. Calhoun
GORDON J. CALHOUN,
Attorneys for Defendant
UWE GEERTZ, Ph.D.

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PROOF OF PERSONAL SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is _____

On **December** , **1993**, by personal service I delivered the foregoing documents described as follows: AMENDED AND SUPPLEMENTAL LIST OF WITNESSES WHO MAY BE CALLED AT TRIAL BY DEFENDANT, UWE GEERTZ, PH.D.

by hand to the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Robert Wiener, Esq.
BOWLES & MOXON
6255 Sunset Blvd., Suite 2000
Los Angeles, California 90028

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **December** , **1993**, at Los Angeles, California.

PROOF OF SERVICE

I am employed in the County of Los Angeles. I am over the age of 18 years and not a party to this within action; my business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On **December** , **1993**, I served on the interested parties in this action the within document entitled: AMENDED AND SUPPLEMENTAL LIST OF WITNESSES WHO MAY BE CALLED AT TRIAL BY DEFENDANT, UWE GEERTZ, PH.D.

by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE SERVICE LIST

(BY MAIL) I caused such envelope(s) with postage thereon fully prepaid, to be deposited with the United States Postal Service at Los Angeles, California.

I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence will be deposited with the United States Postal Service on this same day in the ordinary course of business. I am aware that upon motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing as declared therein.

Executed on **December** , **1993**, at Los Angeles, California.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(FEDERAL) I am employed by a member of the Bar of this Court at whose direction this service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Marcia Schwartz

SERVICE LIST

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Mr. Steven Fishman
8851 Sunrise Lakes Boulevard, #116
Sunrise, Florida 33322-1413

Jonathan W. Lubell, Esq.
MORRISON, COHEN, SINGER & WEINSTEIN
750 Lexington Avenue
New York, New York 10022

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GRAHAM E. BERRY, Bar No. 128503
GORDON J. CALHOUN, Bar No. 84509
LEWIS, D'AMATO, BRISBOIS & BISGAARD
221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
(213) 250-1800

Attorneys for Defendant
UWE GEERTZ, Ph.D.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY	)	No. CV 91-6426 HLH (Tx)
INTERNATIONAL,)	
	)	LIST OF WITNESSES WHO MAY BE
Plaintiff,	)	CALLED AT TRIAL BY DEFENDANT,
	)	UWE GEERTZ, PH.D.
vs.)	
	)	(Local Rule 9.6).
STEVEN FISHMAN and UWE GEERTZ,)	
	)	Pre-Trial: January 31, 1994
Defendants.	)	Trial: February 8, 1994

Defendant, Uwe Geertz, Ph.D., ("Dr. Geertz") submits the following list of witnesses, both expert and percipient, pursuant to Local Rule 9.6. This witness list is provisional because Dr. Geertz's investigation will continue through trial. Dr. Geertz therefore reserves the right to revise, amend, change and supplement this list on an ongoing basis until otherwise stated or pursuant to Local Rules or Court order. Rebuttal and impeachment witnesses are not necessarily included in this list. Expert witnesses are still being identified, and any identification of experts at this time is also subject to revision, amendment, addition, deletion and change. Also, many of the witnesses

1 identified as experts also have percipient knowledge.

2 Further, Dr. Geertz's attorneys have been advised by Pro per
3 defendant Steven Fishman that he will be relying upon Dr. Geertz's
4 list of potential witnesses and brief narrative statements of
5 anticipated expert testimony, and may not have the opportunity to
6 compile his own witness list.

- 7 1. Leah Abady, Church of Scientology of Florida, 120 Giralda
8 Avenue, Coral Gables, Florida 33134 or 12228 Bird Road,
9 Coral Gables, Florida 33146;
- 10 2. Elgin Aksu, M.D., 1219 S.E. 4th Ave., Ft.
11 Lauderdale, Florida 33021;
- 12 3. Fran Andrews, address unknown at present;
- 13 4. Gerry Armstrong, (Defendant Geertz's expert) c/o Ford
14 Greene, 711 Sir Francis Drake Blvd., San Anselmo, CA
15 94960-1949;
- 16 5. Vicki Aznaran, (Defendant Geertz's expert) c/o Phoenix
17 Investigations, 5521 Greenville Avenue, Suite 1044,
18 Dallas, Texas 75206;
- 19 6. Richard Aznaran, (Defendant Geertz's expert), c/o Phoenix
20 Investigations, 5521 Greenville Avenue, Suite 1044,
21 Dallas, Texas 75206;
- 22 7. Paul Barresi, address to be provided, Los Angeles, CA;
- 23 8. Ellie Bolger, address unknown at present;
- 24 9. Dr. Bennett Braun, (Defendant Geertz's expert) Associated
25 Mental Health Services, North Shore Medical Center, Suite
26 409, 9669 N. Kendon Avenue, Skokie, Illinois 60076 or
27 Associated Mental Health Services, 9701 N. Knox Avenue,
28 Suite 103, Skokie, Illinois 60076;

- 1 10. Mario Brigliatto, address unknown at present;
- 2 11. George M. Brinton, Ph.D., (Defendant Geertz's expert)
- 3 Brinton Economics, Inc., 10856 Wilshire Boulevard, Suite
- 4 375, Los Angeles, California 90024;
- 5 12. Dr. Daniel Brown, (Defendant Geertz's expert) Daniel
- 6 Brown & Associates, 75 Cambridge Parkway, Suite 100,
- 7 Cambridge, MA 02142;
- 8 13. David Butterworth, c/o Bowles & Moxon, 6255 Sunset
- 9 Boulevard, Suite 2000, Hollywood, California 90028;
- 10 14. Donna Casselman, 5312 Candace Pl., Los Angeles, CA
- 11 90041;
- 12 15. Priscilla Coates, 1917 Hampton Lane, Glendale,
- 13 California 91201;
- 14 16. Bent Corydon, 2390 Prenda Avenue, Riverside,
- 15 California 92504;
- 16 17. Dr. Harold Crasilnek, (Defendant Geertz's expert)
- 17 Building C, Medical City, 7777 Forest Lane, Suite 606,
- 18 Dallas, Texas 75230;
- 19 18. Hon. Robert L. Dondero, Municipal Court, County of San
- 20 Francisco, Hall of Justice, 850 Bryant Street, No. 201,
- 21 San Francisco, CA 94103;
- 22 19. Charles Durning, address unknown at present.
- 23 20. Lavenda Dukoff (Van Scheick), address unknown at present;
- 24 21. Jonathan (Jonno) Epstein, c/o Bowles & Moxon, 6255 Sunset
- 25 Boulevard, Suite 2000, Hollywood, California 90028;
- 26 22. Lynn Farny, c/o Bowles and Moxon, 6255 Sunset Boulevard,
- 27 Suite 2000, Hollywood, California 90028;
- 28 23. Mark Fisher, address unknown at present;

- 1 24. Steven Fishman, (Defendant Geertz's expert) 8851 Sunrise
2 Lakes Blvd., Apt. No. 116, Sunrise, Florida 33322;
3 25. Jack Fishman, 8851 Sunrise Lakes Boulevard, Apartment No.
4 116, Sunrise, Florida 33322;
5 26. Beverly A. Flahan, Church of Scientology of Florida, 120
6 Giralda Avenue, Coral Gables, Florida 33134 or 1485 North
7 East 121st Street No. 406, North Miami, Florida 33161;
8 27. Humberto Fontana, address unknown at present;
9 28. Charles Fox, address unknown at present;
10 29. Michael Flynn, Esq., Flynn, Sheridan & Tabb, One Boston
11 Place, 26th Floor, Boston, MA 02108
12 30. Raymond J. Friedman, M.D., Ph.D., (Defendant Geertz's
13 expert) Barrington Psychiatric Center, 1990 South Bundy
14 Drive, Suite 320, Los Angeles, CA 90025
15 31. Roxanne Friend, c/o Cummins & White, 865 S. Figueroa
16 Street, 24th Floor, Los Angeles, CA 90017;
17 32. Terri Gamboa, address unknown at present;
18 33. Omar Garrison, address to be provided, Utah;
19 34. Uwe W. Geertz, Ph.D., (Defendant Geertz's expert) 18000
20 S.W. 57th St., Ft. Lauderdale, Florida 33331-2228;
21 35. Dr. Frank ("Sarge") Gerbode, (Defendant Geertz's
22 expert:re psychology) address to be provided, San
23 Francisco, CA;
24 36. Robert K. Goldman, Federal Bureau of Investigation,
25 1000 Fourth Street, San Rafael, CA 94901, (415)
26 454-0513;
27 37. Michael F. Gordon, 6501 S.W. Macadam Ave., Portland OR
28 97201;

- 1 38. Denise Granville, address unknown at present;
- 2 39. Ford Greene, Esq., (Defendant Geertz's expert) 711 Sir
- 3 Francis Drake Blvd., San Anselmo, CA 94960-1949;
- 4 40. Leona Littler Grimm, Church of Scientology of Florida,
- 5 120 Giralda Avenue, Coral Gables, Florida 33134 or 3500
- 6 Southeast 16th Terrace, Miami Florida 33145;
- 7 41. Nancy Gurliacio, 3020 Northeast Fifth Street, Miami,
- 8 Florida 33125;
- 9 42. Michael Hambrick, 371 East Commercial Blvd.,
- 10 Ft. Lauderdale, Florida 33334;
- 11 43. Dori Hare, 1135 9th Street, North St. Petersburg,
- 12 Florida 33705;
- 13 44. Fred Hare, 1135 9th Street, North, St. Petersburg,
- 14 Florida 33705;
- 15 45. Isaac Hayes, address unknown at present;
- 16 46. Ted Heisig, c/o Garham E. Berry, Esq., Lewis, D'Amato,
- 17 Brisbois & Bisgaard, 221 M. Figueroa St., Ste 1200, Los
- 18 Angeles, CA 90012;
- 19 47. James R. High, M.D., (Defendant Geertz's expert) 1460
- 20 Seventh Street, Suite 306, Santa Monica, California
- 21 90401;
- 22 48. Heber Jentzsch, c/o Bowles & Moxon, 6255 Sunset
- 23 Boulevard, Suite 2000, Hollywood, California 90028;
- 24 49. David Jordan, address to be provided;
- 25 50. Robert Jordan, address to be provided;
- 26 51. William Jordan, P.O. Box 70399, Reno, Nevada 89570;
- 27 52. Ray Jourdain, Church of Scientology of Florida, 120
- 28 Giralda Avenue, Coral Gables, Florida 33134 or 4722

- 1 Southeast 67th Avenue, Unit A-3, Miami, Florida 33155;
- 2 53. William E. Kemp, Jr., Federal Bureau of Investigation,
- 3 16320 N.W. Second Ave., Miami, Florida;
- 4 54. Stephen A. Kent, (Defendant Geertz's expert) University
- 5 of Alberta, Edmonton, Alberta, Canada;
- 6 55. Cynthia Kissler, c/o Cult Awareness Network, 2421 West
- 7 Pratt Boulevard, #1173, Chicago Illinois 60645;
- 8 56. Barbara Koster, 4520 N.W. 33rd Street, Ft. Lauderdale,
- 9 Florida 33319;
- 10 57. Robert L. Kuranz (Defendant Geertz's expert: re ink
- 11 analysis), 2208 Lombard Ave., Janesville, WI 53545;
- 12 58. Daniel A. Leipold, Esq. (Defendant Geertz's expert), 701
- 13 S. Parker Street, Suite 8200, Orange, California 92668;
- 14 59. Guillame Lesevre, CSI, c/o Bowles & Morton, 6255 Sunset
- 15 Boulevard, Suite 2000, Hollywood, California 90028;
- 16 60. Barbara Fawcett Letterese, 5000 S.W. 148th Avenue, Fort
- 17 Lauderdale, Florida 33330;
- 18 61. Peter Letterese, 5000 S.W. 148th Avenue, Ft. Lauderdale,
- 19 Florida 33330;
- 20 62. Lorna Levett, 607-209, 8th Avenue,
- 21 S.W. Calgary, Alberta Canada T2P 1B8;
- 22 63. Juliette Lewis, address unknown at present.
- 23 64. Kenneth Long, Esq., c/o Bowles & Moxon,
- 24 6255 Sunset boulevard, Suite 2000,
- 25 Hollywood, California 90028;
- 26 65. Ed Lottick, c/o William Keller, Esq., 1111 Melon Bank
- 27 Center, Wilkes-Barre, PA 18701;
- 28 66. Nan Mclean, address unknown at present;

- 1 67. Scott Mayer, address to be provided;
- 2 68. David Mayo, (Defendant Geertz's expert: re the phenomenon
3 and handling of PTS type 3's and the relevance of OT
4 ("Upper Level") and NOTS);
- 5 69. Jubin Merati, (Defendant Geertz's expert) Brinton
6 Economics, Inc., 10856 Wilshire Boulevard, Suite 375, Los
7 Angeles, California 90024;
- 8 70. David Miscavage, c/o Religious Technology Center, 1200
9 Ivar Avenue, Los Angeles, California 90029;
- 10 71. Ray Mithoff, 6331 Hollywood Boulevard, Suite 120,
11 Los Angeles, California 90028, and/or
12 c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000,
13 Hollywood, California 90028;
- 14 72. Reggie Monce, address unknown at present;
- 15 73. Bonnie Mott, address unknown at present;
- 16 74. Kendrick Moxon, Esq., c/o Bowles & Moxon, 6255 Sunset
17 Boulevard, Suite 2000, Hollywood, California 90028;
- 18 75. Dr. Charles B. Mutter, M.D. (Defendant Geertz's expert)
19 1440 NW 14th Avenue, Miami, Florida 33125;
- 20 76. Keith Nassetta, 9351 N.W. 16th St., Ft.
21 Lauderdale, Florida 33332;
- 22 77. Dr. Ronald E. Neuhring, address to be provided;
- 23 78. Maxine Nightingale, address unknown at present;
- 24 79. Jonathan Nordquist, address unknown at present;
- 25 80. Marc S. Nurik, Esq., (Defendant Geertz's expert) 2937
26 Southwest Seventh Avenue, Suite 203, Miami, Florida
27 33123, and/or One Financial Plaza, Suite 2612, Ft.
28 Lauderdale, Florida 33394;

- 1 81. Richard Ofshe, (Defendant Geertz's expert) 7112
2 Marlborough, Terr. Berkeley, CA 94705;
- 3 82. Brian O'Neill, Esq. (Defendant Geertz's expert) O'Neill,
4 Lysaght & Sun, 100 Wilshire Blvd., Suite 700, Santa
5 Monica, CA 90401-1142;
- 6 83. Charles O'Reilly, Esq., 4676 Admiralty Way,
7 #801, Marina Del Rey, California 90292;
- 8 84. Charles Parselle, Esq., 10200 Cima Mesa Road,
9 Little Rock, CA 93543;
- 10 85. Dr. Leopoldo Perez, address unknown at present;
- 11 86. Toby Plevin, Esq., 10200 Santa Monica Boulevard,
12 #4300, Los Angeles, California 90025;
- 13 87. Jeff Quiros, c/o Bowles & Moxon, 6255 Sunset
14 Boulevard, Suite 2000, Hollywood, California 90028;
- 15 88. Marty Rathbun, c/o Bowles & Moxon, 6255 Sunset
16 Boulevard, Suite 2000, Hollywood, California 90028;
- 17 89. Howard C. Rile, Jr. (Defendant Geertz's expert), 261 S.
18 Figueroa Street, Suite 285, Los Angeles, CA 90012-2501
- 19 90. Garry Scarff (Defendant Geertz's expert),
20 c/o Graham E. Berry, Esq., 221 North
21 Figueroa Street, Suite 1200, Los Angeles,
22 California 90012;
- 23 91. Homer Schomer, last known address 29712 Triufno Dr.,
24 Agoura, CA 91301;
- 25 92. Michael Sedgewick, C.P.A (Defendant Geertz's expert),
26 10100 Santa Monia Blvd., Suite 275, Los Angeles, CA
27 90067;
- 28 93. Margaret Singer, (Defendant Geertz's Expert) 17 El Camino

- 1 Real, Berkely, California 94705;
- 2 94. Ken Shapiro, c/o Bowles & Moxon, 6255 Sunset Boulevard,
3 Suite 2000, Los Angeles, California 90028;
- 4 95. Cathi Pennea Slack, address unknown at present;
- 5 96. Norman Starkey, c/o Arthur Services, 7051 Hollywood
6 Boulevard, Hollywood, California 90028, and/or c/o Bowles
7 & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood,
8 California 90028;
- 9 97. L. George Stepanoff, address to be provided;
- 10 98. Joyce Stephenson, 12021 Valley Heart Drive,
11 Apartment 202, Studio City, CA 91604;
- 12 99. Keith Stern, address to be provided;
- 13 100. Sylvia "Sparky" Taylor, address to be provided;
- 14 101. Frank Thompson, Church of Scientology of
15 Florida, 120 Giralda Avenue, Coral Gables,
16 Florida 33134;
- 17 102. Kelly Preston Travolta, 12522 Moorpark Avenue,
18 #109, Studio City, California 91604;
- 19 103. Margery Wakefield, address unknown at present.
- 20 104. Kenneth (Kenny) Wasserman, Esq., Ten Universal City
21 Plaza, # 2055, Universal City, CA 91608;
- 22 105. Kurt Weiland, 6331 Hollywood Boulevard, Suite 120,
23 Los Angeles, California 90028, and/or c/o Bowles & Moxon,
24 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028;
- 25 106. Dr. Louis Jolyon West, (Defendant Geertz's expert)
26 U.C.L.A. Medical Center, Los Angeles, California;
- 27 107. Hana Whitfield, (Defendant Geertz's expert) 661 North
28 Occidental Blvd, Los Angeles, California 90026;

- 1 108. Jerry Whitfield, (Defendant Geertz's expert) 661 North
2 Occidental Blvd, Los Angeles, California 90026;
- 3 109. Greg Wilhere, Inspector General, RTC, 1710 Ivar Avenue,
4 Suite 1100, Los Angeles, California 90028-5107, and/or
5 c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000,
6 Hollywood, CA 90028;
- 7 110. Lisa Witt, Church of Scientology of Florida, 120 Giralda
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- 9 111. Mark Witt, address unknown at present;
- 10 112. Nancy Witkowski, Church of Scientology of
11 Florida, 120 Giralda Avenue, Coral Gables,
12 Florida 33134;
- 13 113. Lawrence Wollersheim (Defendant Geertz's expert), P.O.
14 Box 85 S. Union - G, Suite 209, Lakewood CO 80228;
- 15 114. Joseph A. Yanny, Esq., 1925 Century Park East, Suite
16 1260, Los Angeles, CA 90067;
- 17 115. Marc Yeager, 1710 Ivar Avenue, Suite 1100, Los Angeles,
18 California 90028-5107, and/or c/o Bowles & Moxon, 6255
19 Sunset Boulevard, Suite 2000, Hollywood, CA 90028;
- 20 116. Robert Vaughn Young (Defendant Geertz's expert), c/o
21 Graham E. Berry, Esq., Lewis, D'Amato, Brisbois &
22 Bisgaard, 221 N. Figueroa Street, Suite 1200, Los
23 Angeles, CA 90012;
- 24 117. Stacy Young (Defendant Geertz's expert), c/o
25 Graham E. Berry, Esq., Lewis, D'Amato, Brisbois
26 & Bisgaard, 221 N. Figueroa Street, Suite 1200,
27 Los Angeles, California 90012;
- 28 118. All witnesses identified, listed or called by plaintiff

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in this action.

Defendant Dr. Geertz further reserves the right to amend, supplement and change this list, and further reserves the right to list, name, identify and/or call any and all additional witnesses deemed necessary for trial. Defendant Dr. Geertz may also call rebuttal and impeachment witnesses not listed here.

DATE: January 10, 1994

LEWIS, D'AMATO, BRISBOIS & BISGAARD
GRAHAM E. BERRY, ESQ.
GORDON J. CALHOUN, ESQ.

By: Gordon J. Calhoun
GORDON J. CALHOUN,
Attorneys for Defendant
UWE GEERTZ, Ph.D.

PROOF OF SERVICE

I am employed in the County of Los Angeles. I am over the age of 18 years and not a party to this within action; my business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On January 10, 1994, I served on the interested parties in this action the within document entitled: LIST OF WITNESSES WHO MAY BE CALLED AT TRIAL BY DEFENDANT, UWE GEERTZ, PH.D.

[X] by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE SERVICE LIST

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Executed on January 10, 1994, at Los Angeles, California.

[] (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

[x] (FEDERAL) I am employed by a member of the Bar of this Court at whose direction this service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

6/

Marcia Schwartz

SERVICE LIST

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Mr. Steven Fishman
8851 Sunrise Lakes Boulevard, #116
Sunrise, Florida 33322-1413

Jonathan W. Lubell, Esq.
MORRISON, COHEN, SINGER & WEINSTEIN
750 Lexington Avenue
New York, New York 10022

Robert Wiener, Esq.
BOWLES & MOXON
6255 Sunset Blvd., Suite 2000
Los Angeles, California 90028

1 GRAHAM E. BERRY, Bar No. 128503
2 GORDON J. CALHOUN, Bar No. 84509
3 LEWIS, D'AMATO, BRISBOIS & BISGAARD
221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
(213) 250-1800

4 Attorneys for Defendant
5 UWE GEERTZ, Ph.D.

6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 CHURCH OF SCIENTOLOGY) No. CV 91-6426 HLH (Tx)
INTERNATIONAL,)
12)
Plaintiff,) SECOND AMENDED LIST OF
13) WITNESSES WHO MAY BE CALLED AT
vs.) TRIAL BY DEFENDANT, UWE GEERTZ,
14) PH.D.
STEVEN FISHMAN and UWE GEERTZ,) (Local Rule 9.6).
15)
Defendants.) Pre-Trial: January 31, 1994
16) Trial: February 8, 1994

17
18 Defendant, Uwe Geertz, Ph.D., ("Dr. Geertz") submits the
19 following Second Amended list of witnesses, both expert and
20 percipient, pursuant to Local Rule 9.6. This witness list is
21 provisional because Dr. Geertz's investigation will continue
22 through trial. Dr. Geertz therefore reserves the right to revise,
23 amend, change and supplement this list on an ongoing basis until
24 otherwise stated or pursuant to Local Rules or Court order.
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26 this list. Expert witnesses are still being identified, and any
27 identification of experts at this time is also subject to revision,
28 amendment, addition, deletion and change. Also, many of the

1 witnesses identified as experts also have percipient knowledge.

2 Further, Dr. Geertz's attorneys have been advised by Pro per
3 defendant Steven Fishman that he will be relying upon Dr. Geertz's
4 list of potential witnesses and brief narrative statements of
5 anticipated expert testimony, and may not have the opportunity to
6 compile his own witness list.

- 7 1. Leah Abady, Church of Scientology of Florida, 120 Giralda
8 Avenue, Coral Gables, Florida 33134 or 12228 Bird Road,
9 Coral Gables, Florida 33146 [Deposition]
- 10 2. Elgin Aksu, M.D., 1219 S.E. 4th Ave., Ft.
11 Lauderdale, Florida 33021 [Deposition];
- 12 3. Fran Andrews, address unknown at present;
- 13 4. Gerry Armstrong, c/o Ford Greene, 711 Sir Francis Drake
14 Blvd., San Anselmo, CA 94960-1949;
- 15 5. Vicki Aznaran, (Defendant Geertz's expert) c/o Phoenix
16 Investigations, 5521 Greenville Avenue, Suite 1044,
17 Dallas, Texas 75206;
- 18 6. Richard Aznaran, (Defendant Geertz's expert), c/o Phoenix
19 Investigations, 5521 Greenville Avenue, Suite 1044,
20 Dallas, Texas 75206;
- 21 7. Paul Barresi, address to be provided, Los Angeles, CA;
- 22 8. Ellie Bolger, address unknown at present [Deposition];
- 23 9. Dr. Bennett Braun, (Defendant Geertz's expert) Associated
24 Mental Health Services, North Shore Medical Center, Suite
25 409, 9669 N. Kendon Avenue, Skokie, Illinois 60076 or
26 Associated Mental Health Services, 9701 N. Knox Avenue,
27 Suite 103, Skokie, Illinois 60076;
- 28 10. Mario Brigliatto, address unknown at present;

- 1 11. George M. Brinton, Ph.D., (Defendant Geertz's expert)
2 Brinton Economics, Inc., 10856 Wilshire Boulevard, Suite
3 375, Los Angeles, California 90024;
- 4 12. Annie Broeker, c/o Church of Scientology International,
5 Hemet Base, California.
- 6 13. David Butterworth, c/o Bowles & Moxon, 6255 Sunset
7 Boulevard, Suite 2000, Hollywood, California 90028
8 [Deposition];
- 9 14. Jocelyn Callard, address to be provided.
- 10 15. Donna Casselman, 5312 Candace Pl., Los Angeles, CA
11 90041;
- 12 16. Gabe Cazares. 2581 Countrywide Blvd., #301, Clearwater,
13 Florida.
- 14 17. Bent Corydon, 2390 Prenda Avenue, Riverside,
15 California 92504;
- 16 18. Hon. Robert L. Dondero, Municipal Court, County of San
17 Francisco, Hall of Justice, 850 Bryant Street, No. 201,
18 San Francisco, CA 94103 [Deposition];
- 19 19. Charles Durning, address unknown at present.
- 20 20. Jonathan (Jonno) Epstein, c/o Bowles & Moxon, 6255 Sunset
21 Boulevard, Suite 2000, Hollywood, California 90028
22 [Deposition];
- 23 21. Lynn Farny, c/o Bowles and Moxon, 6255 Sunset Boulevard,
24 Suite 2000, Hollywood, California 90028 [Deposition];
- 25 22. Mark Fisher, address unknown at present;
- 26 23. Steven Fishman, (Defendant Geertz's expert) 8851 Sunrise
27 Lakes Blvd., Apt. No. 116, Sunrise, Florida 33322;
- 28 24. Jack Fishman, 8851 Sunrise Lakes Boulevard, Apartment No.

- 1 116, Sunrise, Florida 33322 [Deposition];
- 2 25. Beverly A. Flahan, Church of Scientology of Florida, 120
- 3 Giralda Avenue, Coral Gables, Florida 33134 or 1485 North
- 4 East 121st Street No. 406, North Miami, Florida 33161
- 5 [Deposition];
- 6 26. Humberto Fontana, address unknown at present
- 7 [Deposition];
- 8 27. Charles Fox, address unknown at present [Deposition];
- 9 28. Michael Flynn, Esq., Flynn, Sheridan & Tabb, One Boston
- 10 Place, 26th Floor, Boston, MA 02108;
- 11 29. Roxanne Friend, 3201 College Place, #160, Lemon Grove,
- 12 California 91945;
- 13 30. Terry Gamboa, 10700 Santa Monica Blvd., #4-300, Westwood,
- 14 CA 90025;
- 15 31. Omar Garrison, address to be provided, Utah;
- 16 32. Uwe W. Geertz, Ph.D., (Defendant Geertz's expert) 18000
- 17 S.W. 57th St., Ft. Lauderdale, Florida 33331-2228;
- 18 33. Dr. Robert T. Geary, D.D.S., 531 East Smith Rd., Medina
- 19 Ohio 44256;
- 20 34. Robert K. Goldman, Federal Bureau of Investigation,
- 21 1000 Fourth Street, San Rafael, CA 94901, (415)
- 22 454-0513 [Deposition];
- 23 35. Michael F. Gordon, 6501 S.W. Macadam Ave., Portland OR
- 24 97201 [Deposition];;
- 25 36. Denise Granville, address unknown at present
- 26 [Deposition];
- 27 37. Nell Greene, 2859 Sunset Place, Los Angeles, CA 90005;
- 28 38. Leona Littler Grimm, Church of Scientology of Florida,

1 120 Giralda Avenue, Coral Gables, Florida 33134 or 3500
2 Southeast 16th Terrace, Miami, Florida 33145
3 [Deposition];

4 39. Nancy Gurliacio, 3020 Northeast Fifth Street, Miami,
5 Florida 33125 [Deposition];

6 40. Michael Hambrick, 371 East Commercial Blvd.,
7 Ft. Lauderdale, Florida 33334 [Deposition];

8 41. Dori Hare, 1135 9th Street, North St. Petersburg,
9 Florida 33705 [Deposition];

10 42. Fred Hare, 1135 9th Street, North, St. Petersburg,
11 Florida 33705 [Deposition];

12 43. Isaac Hayes, address unknown at present;

13 44. Heber Jentsch, c/o Bowles & Moxon, 6255 Sunset
14 Boulevard, Suite 2000, Hollywood, California 90028
15 [Deposition];

16 45. Amos Jessup, address to be provided;

17 46. David Jordan, address to be provided;

18 47. Robert Jordan, address to be provided;

19 48. William Jordan, P.O. Box 70399, Reno, Nevada 89570;

20 49. Ray Jourdain, Church of Scientology of Florida, 120
21 Giralda Avenue, Coral Gables, Florida 33134 or 4722
22 Southeast 67th Avenue, Unit A-3, Miami, Florida 33155
23 [Deposition];

24 50. William E. Kemp, Jr., Federal Bureau of Investigation,
25 16320 N.W. Second Ave., Miami, Florida [Deposition];

26 51. Stephen A. Kent, (Defendant Geertz's expert) University
27 of Alberta, Edmonton, Alberta, Canada;

28 52. Cynthia Kissler, c/o Cult Awareness Network, 2421 West

- 1 Pratt Boulevard, #1173, Chicago Illinois 60645;
- 2 53. Barbara Koster, 4520 N.W. 33rd Street, Ft. Lauderdale,
- 3 Florida 33319 [Deposition];
- 4 54. Robert L. Kuranz (Defendant Geertz's expert: re ink
- 5 analysis), 2208 Lombard Ave., Janesville, WI 53545;
- 6 55. Guillame Lesevre, CSI, c/o Bowles & Morton, 6255 Sunset
- 7 Boulevard, Suite 2000, Hollywood, California 90028
- 8 [Deposition];
- 9 56. Barbara Fawcett Letterese, 5000 S.W. 148th Avenue, Fort
- 10 Lauderdale, Florida 33330 [Deposition];
- 11 57. Peter Letterese, 5000 S.W. 148th Avenue, Ft. Lauderdale,
- 12 Florida 33330 [Deposition];
- 13 58. Lorna Levett, 607-209, 8th Avenue, S.W. Calgary, Alberta
- 14 Canada T2P 1B8;
- 15 59. Juliette Lewis, 3011 Rutgers, Long Beach, California.
- 16 60. Joe Lisa, address to be provided.
- 17 61. Kenneth Long, Esq., c/o Bowles & Moxon, 6255 Sunset
- 18 boulevard, Suite 2000, Hollywood, California 90028
- 19 [Deposition];
- 20 62. Ed Lottick, c/o William Keller, Esq., 1111 Melon Bank
- 21 Center, Wilkes-Barre, PA 18701;
- 22 63. Jerry McDonald, address to be provided;
- 23 64. Nan Mclean, RRI Catering Rd., Sutton West, Ontario,
- 24 Canada.
- 25 65. Scott Mayer, (Defendant Geertz's expert) c/o Graham E.
- 26 Berry, Lewis, D'Amato, Brisbois & Bisgaard, 221 North
- 27 Figueroa St., Suite 1200, Los Angeles, CA 90012;
- 28 66. David Miscavage, c/o Religious Technology Center, 1200

- 1 Ivar Avenue, Los Angeles, California 90029 [Deposition];
- 2 67. Ray Mithoff, 6331 Hollywood Boulevard, Suite 120,
- 3 Los Angeles, California 90028, and/or c/o Bowles & Moxon,
- 4 6255 Sunset Boulevard, Suite 2000, Hollywood, California
- 5 90028 [Deposition];
- 6 68. Reggie Monce, address unknown at present [Deposition];
- 7 69. Bonnie Mott, address unknown at present [Deposition];
- 8 70. Dr. Ronald E. Neuhring, address to be provided
- 9 [Deposition];
- 10 71. Maxine Nightingale, address unknown at present;
- 11 72. Malcolm Nolthing, P. O. Box 374, Highlands North, 2037
- 12 South Africa.
- 13 73. Marc S. Nurik, Esq., (Defendant Geertz's expert) 2937
- 14 Southwest Seventh Avenue, Suite 203, Miami, Florida
- 15 33123, and/or One Financial Plaza, Suite 2612, Ft.
- 16 Lauderdale, Florida 33394;
- 17 74. Richard Ofshe, 7112 Marlborough, Terr. Berkeley, CA 94705
- 18 [Deposition];
- 19 75. Brian O'Neill, Esq. (Defendant Geertz's expert) O'Neill,
- 20 Lysaght & Sun, 100 Wilshire Blvd., Suite 700, Santa
- 21 Monica, CA 90401-1142;
- 22 76. Dr. Leopoldo Perez, address unknown at present
- 23 [Deposition];
- 24 77. Jeff Quiros, c/o Bowles & Moxon, 6255 Sunset Boulevard,
- 25 Suite 2000, Hollywood, California 90028 [Deposition];
- 26 78. Marty Rathbun, c/o Bowles & Moxon, 6255 Sunset Boulevard,
- 27 Suite 2000, Hollywood, California 90028 [Deposition];
- 28 79. Howard C. Rile, Jr. (Defendant Geertz's expert), 261 S.

- 1 Figueroa Street, Suite 285, Los Angeles, CA 90012-2501
- 2 80. Lee Robertson, address to be provided;
- 3 81. Mr. Rowe, address to be provided;
- 4 82. Mrs. Rowe, address to be provided;
- 5 83. Martin Samuels, 14013 Captain's Row, Marina del Rey, CA
- 6 92649.
- 7 84. Garry Scarff (Defendant Geertz's expert),
- 8 c/o Graham E. Berry, Esq., 221 North
- 9 Figueroa Street, Suite 1200, Los Angeles,
- 10 California 90012;
- 11 85. Homer Schomer, last known address 29712 Triufno Dr.,
- 12 Agoura, CA 91301;
- 13 86. Michael Sedgewick, C.P.A (Defendant Geertz's expert),
- 14 10100 Santa Monia Blvd., Suite 275, Los Angeles, CA
- 15 90067;
- 16 87. Margaret Singer, (Defendant Geertz's Expert) 17 El Camino
- 17 Real, Berkely, California 94705;
- 18 88. Ken Shapiro, c/o Bowles & Moxon, 6255 Sunset Boulevard,
- 19 Suite 2000, Los Angeles, California 90028;
- 20 89. Cathi Pennea Slack, address unknown at present;
- 21 90. Norman Starkey, c/o Arthur Services, 7051 Hollywood
- 22 Boulevard, Hollywood, California 90028, and/or c/o Bowles
- 23 & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood,
- 24 California 90028 [Deposition];
- 25 91. L. George Stepanoff, address to be provided;
- 26 92. Joyce Stephenson, 12021 Valley Heart Drive,
- 27 Apartment 202, Studio City, CA 91604;
- 28 93. Andre Tabayoyon, (Defendant Geertz's Expert) c/o Graham

- 1 E. Berry, 221 North Figueroa Street, Suite 1200, Los
2 Angeles, CA 90012;
- 3 94. Mrs. Mary Tabayoyan, c/o Graham E. Berry, 221 North
4 Figueroa Street, Suite 1200, Los Angeles, CA 90012;
- 5 95. Sylvia "Sparky" Taylor, address to be provided;
- 6 96. Frank Thompson, Church of Scientology of Florida, 120
7 Giralda Avenue, Coral Gables, Florida 33134 [Deposition];
- 8 97. Angelo Troncoso, c/o IRS [Deposition];
- 9 98. John Travolta, 12522 Moorpark Avenue, #109, Studio City,
10 California 91604;
- 11 99. Kelly Preston Travolta, 12522 Moorpark Avenue,
12 #109, Studio City, California 91604;
- 13 100. Margery Wakefield, P. O. Box 290402, Tampa, Florida
14 33687;
- 15 101. Eddie Walters, address to be provided;
- 16 102. Kurt Weiland, 6331 Hollywood Boulevard, Suite 120,
17 Los Angeles, California 90028, and/or c/o Bowles & Moxon,
18 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028
19 [Deposition];
- 20 103. Dr. Jollyon West, (Defendant Geertz's expert) UCLA, Los
21 Angeles, CA.
- 22 104. Hana Whitfield, (Defendant Geertz's expert) 661 North
23 Occidental Blvd, Los Angeles, California 90026;
- 24 105. Jerry Whitfield, (Defendant Geertz's expert) 661 North
25 Occidental Blvd, Los Angeles, California 90026;
- 26 106. Greg Wilhere, Inspector General, RTC, 1710 Ivar Avenue,
27 Suite 1100, Los Angeles, California 90028-5107, and/or
28 c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000,

- 1 Hollywood, CA 90028 [Deposition];
- 2 107. Lisa Witt, Church of Scientology of Florida, 120 Giralda
- 3 Avenue, Coral Gables, Florida 33134 [Deposition];
- 4 108. Mark Witt, address unknown at present [Deposition];
- 5 109. Nancy Witkowski, Church of Scientology of Florida, 120
- 6 Giralda Avenue, Coral Gables, Florida 33134 [Deposition];
- 7 110. Lawrence Wollersheim (Defendant Geertz's expert), P.O.
- 8 Box 85 S. Union - G, Suite 209, Lakewood CO 80228;
- 9 111. Joseph A. Yanny, Esq., 1925 Century Park East, Suite
- 10 1260, Los Angeles, CA 90067;
- 11 112. Marc Yeager, 1710 Ivar Avenue, Suite 1100, Los Angeles,
- 12 California 90028-5107, and/or c/o Bowles & Moxon, 6255
- 13 Sunset Boulevard, Suite 2000, Hollywood, CA 90028
- 14 [Deposition];
- 15 113. Robert Vaughn Young (Defendant Geertz's expert), c/o
- 16 Graham E. Berry, Esq., Lewis, D'Amato, Brisbois &
- 17 Bisgaard, 221 N. Figueroa Street, Suite 1200, Los
- 18 Angeles, CA 90012;
- 19 114. Stacy Young (Defendant Geertz's expert), c/o
- 20 Graham E. Berry, Esq., Lewis, D'Amato, Brisbois
- 21 & Bisgaard, 221 N. Figueroa Street, Suite 1200,
- 22 Los Angeles, California 90012;
- 23 115. All witnesses identified, listed or called by plaintiff
- 24 in this action.

25 Defendant Dr. Geertz further reserves the right to amend,

26 supplement and change this list, and further reserves the right to

27 list, name, identify and/or call any and all additional witnesses

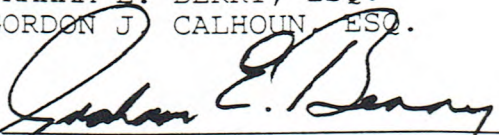
28 deemed necessary for trial. Defendant Dr. Geertz may also call

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rebuttal and impeachment witnesses not listed here.

DATE: January 28, 1994

LEWIS, D'AMATO, BRISBOIS & BISGAARD
GRAHAM E. BERRY, ESQ.
GORDON J. CALHOUN, ESQ.

By: 
GRAHAM E. BERRY
Attorneys for Defendant
UWE GEERTZ, Ph.D.

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PROOF OF SERVICE
1013A (3) CCP Revised 5/1/88

State of California, County of Los Angeles

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 221 N. Figueroa Street, Suite 1200, Los Angeles, California 90012.

On January 28, 1994, I served the foregoing document described as: SECOND AMENDED LIST OF WITNESSES WHO MAY BE CALLED AT TRIAL BY DEFENDANT UWE GEERTZ, PH.D. on all interested parties

[X] by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

SEE ATTACHED SERVICE LIST

[X] BY MAIL

[x] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, services is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on January 28, 1994 at Los Angeles, California.

[] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[X] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

MARIA BAQUIRAN
Type or Print Name

Maria Baquiran
Signature

CHURCH OF SCIENTOLOGY INTERNATIONAL v. STEVEN FISHMAN, et al.
SERVICE LIST

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MORRISON, COHEN, SINGER & WEINSTEIN
750 Lexington Avenue
New York, New York 10022

William T. Drescher, Esq.
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Calabasas, California 91302

Mr. Steven Fishman
12980 S.W. 48th Street
Ft. Lauderdale, Florida 33330-2339

Michael Lee Hertzberg, Esq.
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New York, New York 10003

Kevin E. Gaut, Esq.
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11377 W. Olympic Blvd., #200
Los Angeles, CA 90064-1683

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Timothy Bowles, Esq.
Kendrick Moxon, Esq.
BOWLES & MOXON
6255 Sunset Blvd., #2000
Hollywood, CA 90028

1 GRAHAM E. BERRY, Bar No. 128503
2 GORDON J. CALHOUN, Bar No. 84509
3 LEWIS, D'AMATO, BRISBOIS & BISGAARD
221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
(213) 250-1800

4 Attorneys for Defendant
5 UWE GEERTZ, Ph.D.

6

7

8

UNITED STATES DISTRICT COURT

9

CENTRAL DISTRICT OF CALIFORNIA

10

11	CHURCH OF SCIENTOLOGY	)	No. CV 91-6426 HLH (Tx)
12	INTERNATIONAL,)	
13	Plaintiff,	)	THIRD AMENDED LIST OF WITNESSES
14	vs.	)	WHO MAY BE CALLED AT TRIAL BY
15	STEVEN FISHMAN and UWE GEERTZ,	)	DEFENDANT, UWE GEERTZ, PH.D.
16	Defendants.	)	(Local Rule 9.6).
		)	Pre-Trial: February 25, 1994
		)	Trial: March 1, 1994

17

18 Defendant, Uwe Geertz, Ph.D., ("Dr. Geertz") submits the
19 following Third Amended list of witnesses, both expert and
20 percipient, pursuant to Local Rule 9.6. This witness list is
21 provisional because Dr. Geertz's investigation will continue
22 through trial. Dr. Geertz therefore reserves the right to revise,
23 amend, change and supplement this list on an ongoing basis until
24 otherwise stated or pursuant to Local Rules or Court order.
25 Rebuttal and impeachment witnesses are not necessarily included in
26 this list. Expert witnesses are still being identified, and any
27 identification of experts at this time is also subject to revision,
28 amendment, addition, deletion and change. Also, many of the

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1 witnesses identified as experts also have percipient knowledge.

2 Further, Dr. Geertz's attorneys have been advised by Pro per
3 defendant Steven Fishman that he will be relying upon Dr. Geertz's
4 list of potential witnesses and brief narrative statements of
5 anticipated expert testimony, and may not have the opportunity to
6 compile his own witness list.

7 Finally, Dr. Geertz has included the names of certain persons
8 whose depositions have been ordered and whose failure to attend and
9 complete their deposition will be the subject of a Rule 37 motion
10 for terminating, issue, evidentiary, exclusionary and monetary
11 sanctions. These persons include: Guillaume Lasevre, David
12 Miscavige, Ray Mithoff, Marty Rathbun, Norman Starkey, Kurt
13 Weiland, Marc Yaeger, Jonno Epstein, Maxine Nightingale, Kelly
14 Preston Travolta, Juliette Lewis and Isaac Hayes.

- 15 1. Leah Abady, Church of Scientology of Florida, 120 Giralda
16 Avenue, Coral Gables, Florida 33134 or 12228 Bird Road,
17 Coral Gables, Florida 33146 [Deposition]
- 18 2. Elgin Aksu, M.D., 1219 S.E. 4th Ave., Ft.
19 Lauderdale, Florida 33021 [Deposition];
- 20 3. Fran Andrews, address unknown at present [Deposition];
- 21 4. Gerry Armstrong, c/o Ford Greene, 711 Sir Francis Drake
22 Blvd., San Anselmo, CA 94960-1949 [Declaration];
23 (Subpoena)
- 24 5. Vicki Aznaran, (Defendant Geertz's expert) c/o Phoenix
25 Investigations, 5521 Greenville Avenue, Suite 1044,
26 Dallas, Texas 75206 [Declaration];
- 27 6. Richard Aznaran, (Defendant Geertz's expert), c/o Phoenix
28 Investigations, 5521 Greenville Avenue, Suite 1044,

- 1 Dallas, Texas 75206 [Declaration];
- 2 7. Ellie Bolger, address unknown at present [Deposition];
- 3 8. Timothy Bowles, Esq., c/o Bowles & Moxon, 6255 Sunset
- 4 Blvd., Ste. 2000, Los Angeles, CA 90028 (Subpoena);
- 5 9. Dr. Bennett Braun, (Defendant Geertz's expert) Associated
- 6 Mental Health Services, North Shore Medical Center, Suite
- 7 409, 9669 N. Kendon Avenue, Skokie, Illinois 60076 or
- 8 Associated Mental Health Services, 9701 N. Knox Avenue,
- 9 Suite 103, Skokie, Illinois 60076 [Declaration];
- 10 10. Annie Broeker, c/o Church of Scientology International,
- 11 Hemet Base, California (Subpoena).
- 12 11. David Butterworth, c/o Bowles & Moxon, 6255 Sunset
- 13 Boulevard, Suite 2000, Hollywood, California 90028
- 14 [Deposition];
- 15 12. Donna Casselman, 5312 Candace Pl., Los Angeles, CA 90041
- 16 [Deposition];
- 17 13. Bent Corydon, 2390 Prenda Avenue, Riverside,
- 18 California 92504 [Deposition];
- 19 14. Hon. Robert L. Dondero, Municipal Court, County of San
- 20 Francisco, Hall of Justice, 850 Bryant Street, No. 201,
- 21 San Francisco, CA 94103 [Deposition];
- 22 15. Dennis Erlich, address to be provided [Declaration].
- 23 16. Jonathan (Jonno) Epstein, c/o Bowles & Moxon, 6255 Sunset
- 24 Boulevard, Suite 2000, Hollywood, California 90028
- 25 [Deposition];
- 26 17. Lynn Farny, c/o Bowles and Moxon, 6255 Sunset Boulevard,
- 27 Suite 2000, Hollywood, California 90028 [Deposition];
- 28 18. Mark Fisher, address to be provided [Declaration];

- 1 19. Steven Fishman, (Defendant Geertz's expert) 8851 Sunrise
2 Lakes Blvd., Apt. No. 116, Sunrise, Florida 33322
3 [Declaration];
- 4 20. Jack Fishman, 8851 Sunrise Lakes Boulevard, Apartment No.
5 116, Sunrise, Florida 33322 [Deposition];
- 6 21. Beverly A. Flahan, Church of Scientology of Florida, 120
7 Giralda Avenue, Coral Gables, Florida 33134 or 1485 North
8 East 121st Street No. 406, North Miami, Florida 33161
9 [Deposition];
- 10 22. Humberto Fontana, address unknown at present
11 [Deposition];
- 12 23. Charles Fox, address unknown at present [Deposition];
- 13 24. Michael Flynn, Esq., address to be provided; (Subpoena)
- 14 25. Roxanne Friend, 3201 College Place, #160, Lemon Grove,
15 California 91945 [Declaration];
- 16 26. Danny Fumagalli, c/o Graham Berry, Lewis, D'Amato,
17 Brisbois & Bisgaard [Declaration];
- 18 27. Terry Gamboa, (potential expert for Dr. Geertz), c/o
19 Graham Berry, Lewis, D'Amato, Brisbois & Bisgaard
20 [Declaration];
- 21 28. Omar Garrison, address to be provided, Utah
22 [Declaration];
- 23 29. Uwe W. Geertz, Ph.D., (Defendant Geertz's expert) 18000
24 S.W. 57th St., Ft. Lauderdale, Florida 33331-2228
25 [Declaration];
- 26 30. Dr. Robert T. Geary, D.D.S., 531 East Smith Rd., Medina
27 Ohio 44256 [Declaration];

28 / /

- 1 31. Mike Geiler, address to be provided [Declaration];
- 2 32. Steven Goldberg, address to be provided, Florida
- 3 [Deposition].
- 4 33. Robert K. Goldman, Federal Bureau of Investigation,
- 5 1000 Fourth Street, San Rafael, CA 94901, (415)
- 6 454-0513 [Deposition];
- 7 34. Michael F. Gordon, 6501 S.W. Macadam Ave., Portland OR
- 8 97201 [Deposition];
- 9 35. Denise Granville, address unknown at present
- 10 [Deposition];
- 11 36. Leona Littler Grimm, Church of Scientology of Florida,
- 12 120 Giralda Avenue, Coral Gables, Florida 33134 or 3500
- 13 Southeast 16th Terrace, Miami, Florida 33145
- 14 [Deposition];
- 15 37. Nancy Gurliacio, 3020 Northeast Fifth Street, Miami,
- 16 Florida 33125 [Deposition];
- 17 38. Michael Hambrick, 371 East Commercial Blvd.,
- 18 Ft. Lauderdale, Florida 33334 [Deposition];
- 19 39. Ernest Hanni, address to be provided [Declaration];
- 20 40. Dori Hare, 1135 9th Street, North St. Petersburg,
- 21 Florida 33705 [Deposition];
- 22 41. Fred Hare, 1135 9th Street, North, St. Petersburg,
- 23 Florida 33705 [Deposition];
- 24 42. Fran Harris, address to be provided [Declaration];
- 25 43. Isaac Hayes, address unknown at present [Deposition];
- 26 44. Gail Irwin, address to be provided [Declaration];
- 27 45. Heber Jentsch, c/o Bowles & Moxon, 6255 Sunset
- 28 Boulevard, Suite 2000, Hollywood, California 90028

- 1 [Deposition];
- 2 46. Amos Jessup, address to be provided [Declaration];
- 3 47. William Jordan, (Defendant Geertz's expert), P.O. Box
- 4 70399, Reno, Nevada 89570;
- 5 48. Ray Jourdain, Church of Scientology of Florida, 120
- 6 Giralda Avenue, Coral Gables, Florida 33134 or 4722
- 7 Southeast 67th Avenue, Unit A-3, Miami, Florida 33155
- 8 [Deposition];
- 9 49. William E. Kemp, Jr., Federal Bureau of Investigation,
- 10 16320 N.W. Second Ave., Miami, Florida [Deposition];
- 11 50. Barbara Koster, 4520 N.W. 33rd Street, Ft. Lauderdale,
- 12 Florida 33319 [Deposition];
- 13 51. Robert L. Kuranz (Defendant Geertz's expert: re ink
- 14 analysis), 2208 Lombard Ave., Janesville, WI 53545
- 15 [Declaration];
- 16 52. Don Larsen, address to be provided [Declaration];
- 17 53. Guillame Lesevre, CSI, c/o Bowles & Moxon, 6255 Sunset
- 18 Boulevard, Suite 2000, Hollywood, California 90028
- 19 [Deposition];
- 20 54. Barbara Fawcett Letterese, 5000 S.W. 148th Avenue, Fort
- 21 Lauderdale, Florida 33330 [Deposition];
- 22 55. Peter Letterese, 5000 S.W. 148th Avenue, Ft. Lauderdale,
- 23 Florida 33330 [Deposition];
- 24 56. Lorna Levett, 607-209, 8th Avenue, S.W. Calgary, Alberta
- 25 Canada T2P 1B8 [Declaration];
- 26 57. Juliette Lewis, 3011 Rutgers, Long Beach, California
- 27 [Deposition].
- 28 58. Jim Logan, address to be provided [Declaration];

- 1 59. Kenneth Long, Esq., c/o Bowles & Moxon, 6255 Sunset
2 Boulevard, Suite 2000, Hollywood, California 90028
3 [Deposition];
- 4 60. Nan Mclean, RRI Catering Rd., Sutton West, Ontario,
5 Canada [Declaration].
- 6 61. Scott Mayer, c/o Graham E. Berry, Lewis, D'Amato,
7 Brisbois & Bisgaard, 221 North Figueroa St., Suite 1200,
8 Los Angeles, CA 90012 [Declaration];
- 9 62. David Miscavage, c/o Religious Technology Center, 1200
10 Ivar Avenue, Los Angeles, California 90029 [Deposition];
- 11 63. Ray Mithoff, 6331 Hollywood Boulevard, Suite 120,
12 Los Angeles, California 90028, and/or c/o Bowles & Moxon,
13 6255 Sunset Boulevard, Suite 2000, Hollywood, California
14 90028 [Deposition];
- 15 64. Reggie Monce, address unknown at present [Deposition];
- 16 65. Bonnie Mott, address unknown at present [Deposition];
- 17 66. Dr. Ronald E. Neuhring, address to be provided
18 [Deposition];
- 19 67. Maxine Nightingale, address unknown at present
20 [Deposition];
- 21 68. Malcolm Nolthing, P. O. Box 374, Highlands North, 2037
22 South Africa [Deposition];
- 23 69. Marc S. Nurik, Esq., (Defendant Geertz's expert) 2937
24 Southwest Seventh Avenue, Suite 203, Miami, Florida
25 33123, and/or One Financial Plaza, Suite 2612, Ft.
26 Lauderdale, Florida 33394 [Declaration];
- 27 70. Brian O'Neill, Esq. (Defendant Geertz's expert) O'Neill,
28 Lysaght & Sun, 100 Wilshire Blvd., Suite 700, Santa

- 1 Monica, CA 90401-1142 [Declaration];
- 2 71. Mattias Patel, address to be provided [Declaration];
- 3 72. Dr. Leopoldo Perez, address unknown at present
- 4 [Deposition];
- 5 73. Jeff Quiros, c/o Bowles & Moxon, 6255 Sunset Boulevard,
- 6 Suite 2000, Hollywood, California 90028 [Deposition];
- 7 74. Marty Rathbun, c/o Bowles & Moxon, 6255 Sunset Boulevard,
- 8 Suite 2000, Hollywood, California 90028 [Deposition];
- 9 75. Wendall Reynolds (potential expert for defendant Geertz)
- 10 address to be provided [Declaration];
- 11 76. Howard C. Rile, Jr. (Defendant Geertz's expert), 261 S.
- 12 Figueroa Street, Suite 285, Los Angeles, CA 90012-2501
- 13 [Declaration];
- 14 77. Greg Ryerson, c/o plaintiff and plaintiff's attorney.
- 15 78. Martin Samuels, 14013 Captain's Row, Marina del Rey, CA
- 16 92649 [Declaration];
- 17 79. Garry Scarff (Defendant Geertz's expert), c/o Graham E.
- 18 Berry, Esq., 221 North Figueroa Street, Suite 1200, Los
- 19 Angeles, California 90012 [Declaration];
- 20 80. Homer Schomer, last known address 29712 Triufno Dr.,
- 21 Agoura, CA 91301 [Declaration];
- 22 81. Michael Sedgewick, C.P.A (Defendant Geertz's expert),
- 23 10100 Santa Monia Blvd., Suite 275, Los Angeles, CA 90067
- 24 [Declaration];
- 25 82. Margaret Singer, (Defendant Geertz's Expert) 17 El Camino
- 26 Real, Berkely, California 94705 [Declaration];
- 27 83. Ken Shapiro, c/o Bowles & Moxon, 6255 Sunset Boulevard,
- 28 Suite 2000, Los Angeles, California 90028;

- 1 84. Cathi Pennea Slack, address to be provided [Declaration];
2 85. Norman Starkey, c/o Arthur Services, 7051 Hollywood
3 Boulevard, Hollywood, California 90028, and/or c/o Bowles
4 & Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood,
5 California 90028 [Deposition];
6 86. Joyce Stephenson, 12021 Valley Heart Drive, Apartment
7 202, Studio City, CA 91604 [Declaration];
8 87. Andre Tabayoyon, (Defendant Geertz's Expert) c/o Graham
9 E. Berry, 221 North Figueroa Street, Suite 1200, Los
10 Angeles, CA 90012;
11 88. Casavius L. Tabayoyon, Ethics Officer, Golden Era
12 Productions, 19625 Highway 79, Gilman Hot Springs, CA
13 95240 (Subpoena).
14 89. Mrs. Mary Tabayoyan, (Defendant Geertz's Expert) c/o
15 Graham E. Berry, 221 North Figueroa Street, Suite 1200,
16 Los Angeles, CA 90012 [Declaration];
17 90. Frank Thompson, Church of Scientology of Florida, 120
18 Giralda Avenue, Coral Gables, Florida 33134 [Deposition];
19 91. Kelly Preston Travolta, 12522 Moorpark Avenue,
20 #109, Studio City, California 91604;
21 92. Ken Urqhart, address to be provided [Declaration];
22 93. Lavenda Van Schaick, address to be provided
23 [Declaration];
24 94. Dianne Voedeging, c/o Graham Berry, Lewis, D'Amato,
25 Brisbois & Bisgaard [Declaration];
26 95. Margery Wakefield, P. O. Box 290402, Tampa, Florida 33687
27 [Declaration];
28 96. Eddie Walters, address to be provided [Declaration];

- 1 97. Kurt Weiland, 6331 Hollywood Boulevard, Suite 120,
2 Los Angeles, California 90028, and/or c/o Bowles & Moxon,
3 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028
4 [Deposition];
- 5 98. Dr. Jollyon West, (Defendant Geertz's expert) UCLA, Los
6 Angeles, CA [Declaration].
- 7 99. Hana Whitfield, (Defendant Geertz's expert) 661 North
8 Occidental Blvd, Los Angeles, California 90026
9 [Declaration];
- 10 100. Jerry Whitfield, (Defendant Geertz's expert) 661 North
11 Occidental Blvd, Los Angeles, California 90026
12 [Declaration];
- 13 101. Greg Wilhere, Inspector General, RTC, 1710 Ivar Avenue,
14 Suite 1100, Los Angeles, California 90028-5107, and/or
15 c/o Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000,
16 Hollywood, CA 90028 [Deposition];
- 17 102. Lisa Witt, Church of Scientology of Florida, 120 Giralda
18 Avenue, Coral Gables, Florida 33134 [Deposition];
- 19 103. Mark Witt, address to be provided [Deposition];
- 20 104. Nancy Witkowski, Church of Scientology of Florida, 120
21 Giralda Avenue, Coral Gables, Florida 33134 [Deposition];
- 22 105. Lawrence Wollersheim (Defendant Geertz's expert), P.O.
23 Box 85 S. Union - G, Suite 209, Lakewood CO 80228
24 [Declaration];
- 25 106. Joseph A. Yanny, Esq., 1925 Century Park East, Suite
26 1260, Los Angeles, CA 90067 [Declaration];
- 27 107. Marc Yaeger, 1710 Ivar Avenue, Suite 1100, Los Angeles,
28 California 90028-5107, and/or c/o Bowles & Moxon, 6255

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Sunset Boulevard, Suite 2000, Hollywood, CA 90028

[Deposition];

108. Robert Vaughn Young (Defendant Geertz's expert), c/o
Graham E. Berry, Esq., Lewis, D'Amato, Brisbois &
Bisgaard, 221 N. Figueroa Street, Suite 1200, Los
Angeles, CA 90012 [Declaration];

109. Stacy Young (Defendant Geertz's expert), c/o
Graham E. Berry, Esq., Lewis, D'Amato, Brisbois
& Bisgaard, 221 N. Figueroa Street, Suite 1200,
Los Angeles, California 90012 [Declaration];

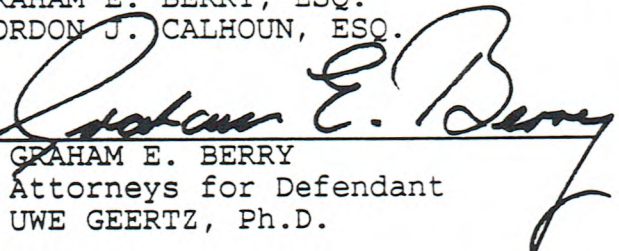
110. All witnesses identified, listed or called by plaintiff
in this action.

Defendant Dr. Geertz further reserves the right to amend,
supplement and change this list, and further reserves the right to
list, name, identify and/or call any and all additional witnesses
deemed necessary for trial. Defendant Dr. Geertz may also call
rebuttal and impeachment witnesses not listed here.

DATE: February 15, 1994

LEWIS, D'AMATO, BRISBOIS & BISGAARD
GRAHAM E. BERRY, ESQ.
GORDON J. CALHOUN, ESQ.

By:


GRAHAM E. BERRY
Attorneys for Defendant
UWE GEERTZ, Ph.D.

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

3 I am employed in the County of Los Angeles, State of
4 California. I am over the age of 18 and not a party to the within
5 action.

6 On February 15, 1994, I served the following document(s)
7 described as: THIRD AMENDED LIST OF WITNESSES WHO MAY BE CALLED
8 AT TRIAL BY DEFENDANT, UWE GEERTZ, PH.D. on interested parties in
9 this action by placing a true copy thereof enclosed in a sealed
10 envelope addressed as follows:

11 Kendrick Moxon, Esq.
12 BOWLES & MOXON
13 6255 Sunset Blvd., Ste 2000
14 Hollywood, California 90028

15 (x) (Via FAX) I am familiar with the practice of this law firm
16 for the collection and processing of documents for FAXing and
17 mailing with the United States Postal Service, that the documents
18 would be telecopied via FAX and then deposited with the United
19 States Postal Service that same day in the ordinary course of
20 business.

21 (x) (By Personal Service) I delivered such envelope by hand to
22 the office of the addressee.

23 () (State) I declare under penalty of perjury under the laws of
24 the State of California that the above is true and correct.

25 (x) (Federal) I declare that I am employed in the office of a
26 member of the bar of this court at whose direction the service was
27 made.

28 I declare under penalty of perjury under the laws of the
State of California that the above is true and correct and that
this declaration was executed on February 15, 1994 at Los Angeles,
California.

(Signature)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action.

On February 15, 1994, I served the following document(s) described as: THIRD AMENDED LIST OF WITNESSES WHO MAY BE CALLED AT TRIAL BY DEFENDANT, UWE GEERTZ, PH.D. on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

William T. Drescher, Esq.
23679 Calabasas Road
Suite 338
Calabasas, California 91302

(x) (Via FAX) I am familiar with the practice of this law firm for the collection and processing of documents for FAXing and mailing with the United States Postal Service, that the documents would be telecopied via FAX and then deposited with the United States Postal Service that same day in the ordinary course of business.

() (By Personal Service) I delivered such envelope by hand to the office of the addressee.

() (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(x) (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on February 15, 1994 at Los Angeles, California.

(Signature)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 221 N. Figueroa St., Suite 1200, Los Angeles, California 90012.

On February 15, 1994, I served the following document(s) described as: THIRD AMENDED LIST OF WITNESSES WHO MAY BE CALLED AT TRIAL BY DEFENDANT, UWE GEERTZ, PH.D. on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

[Please see attached service list]

(x) (By Mail)

(x) As follows: I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, services is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in this affidavit.

Executed on February 15, 1994, at Los Angeles, California.

[] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

MARIA BAQUIRAN

Type or Print Name

Maria Baquiran

Signature

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CHURCH OF SCIENTOLOGY INTERNATIONAL V. STEVEN FISHMAN, ET AL.
SERVICE LIST

Jonathan W. Lubell, Esq.
MORRISON, COHEN, SINGER & WEINSTEIN
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New York, New York 10022

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Ft. Lauderdale, FL 33330-2339

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Suite 338
Calabasas, California 91302

Michael Lee Hertzberg, Esq.
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New York, New York 10003

Robert A. Wiener, Esq.
BOWLES & MOXON
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Hollywood, CA 90028

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MITCHELL, SILBERBERG & KNUPP
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Los Angeles, CA 90064-1683

Maren Christensen, Esq.
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4th Floor
Beverly Hills, CA 90210-5288

Elliot J. Abelson, Esq.
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Los Angeles, CA 90048

Lawrence Heller, Esq.
HELLER & EDWRDS
9454 Wilshire Blvd., Ste. 500
Beverly Hills, CA 90212-2982

John H. Lavelly, Jr., Esq.
LAVELY & SINGER
2029 Century Park East
Suite 500
Los Angeles, CA 90067

1 GRAHAM E. BERRY, BAR NO. 128503
2 GORDON J. CALHOUN, BAR NO. 84509
3 LEWIS, D'AMATO, BRISBOIS & BISGAARD
221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
(213) 250-1800

4 Attorneys for Defendant UWE GEERTZ, Ph.D.
5
6
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 CHURCH OF SCIENTOLOGY) INTERNATIONAL,)	No. CV 91-6426 HLH (Tx)
12 Plaintiff,)	DEFENDANT, UWE GEERTZ, PH.D.'S
13 vs.)	BRIEF NARRATIVE STATEMENTS
14 STEVEN FISHMAN and UWE GEERTZ,)	REGARDING EXPECTED TESTIMONY OF
15 Defendants.)	EXPERT WITNESSES
	(Local Rule 9.4.5).
	Pretrial Conf.: 1/7/94
	Trial Date: 2/94

16
17
18 Defendant, Uwe Geertz, Ph.D., submits the following brief
19 narrative statements of each expert whom he presently intends to
20 call at trial. This list is provisional because document,
21 deposition and written discovery is continuing for at least another
22 three (3) weeks. Dr. Geertz therefore reserves the right to
23 revise, amend, change and supplement this list on an ongoing basis
24 until otherwise stated or pursuant to Local Rules or Court order.
25 Rebuttal and impeachment experts are not necessarily included in
26 this list. Furthermore, expert witnesses are being identified on
27 an ongoing basis, and any identification of experts at this time is
28 also subject to revision, amendment, addition, deletion and change.

1 Some of these experts may not be called at trial because of
2 duplicative or overlapping testimony. Some of the testimony of the
3 listed expert witnesses is of a percipient nature together with
4 expert and opinion testimony.

5 1. Gerry Armstrong, c/o Ford Greene, 711 Sir Francis Drake
6 Blvd., San Anselmo, CA 94960-1949.

7 Mr. Armstrong's experience with Scientology, including his
8 training, skill and expertise is well known to plaintiff and its
9 attorneys -- through many years of litigation, trials, depositions
10 and exchanges with him. Mr. Armstrong is one of the most
11 experienced Scientology litigants. Mr. Armstrong also is one of
12 the founders of F.A.C.T.

13 Mr. Armstrong is expected to testify about his knowledge of L.
14 Ron Hubbard and his successors, of Scientology and its
15 organizations, corporate and hierochial structure, beliefs,
16 practices, methods, personnel, conduct, behavior, hierarchy,
17 lexicon, activities, financing, financial activities, financial
18 misdealings, setups, dead agent files, suicides, attempted
19 suicides, history, criminal and/or alleged criminal conduct, the
20 destruction of documents/evidence by Scientology, dealings with the
21 public, dealings with former members, dealings with the press,
22 dealings with the judicial system, dealings with psychiatry and
23 psychology professionals, coercive methods, threats and directives
24 to kill or murder people, the "fair game" doctrine, litigation
25 conduct and other related or similar matters.

26 Mr. Armstrong is further expected to testify about matters
27 relevant to defendant Geertz's affirmative defenses including, but
28 not limited to, the libel proof defense, the incremental harm

1 defense, Scientology's general and specific reputation, the
2 'substantial truth' of the relevant portions of the Time Magazine
3 article, the "of and concerning" defense, alter ego issues, the
4 common scheme, plan, habit and operation of Scientology resulting
5 in various actions similar to those actions described in the
6 allegedly defamatory material and of which Mr. Fishman's activities
7 were allegedly a part, the absence of malice defense, and all
8 matters relating thereto.

9 Mr. Armstrong is further expected to testify about his
10 analysis, study, examination and review of records and documents
11 relating to the foregoing matters. Mr. Armstrong is further
12 expected to testify about all matters that fall within the scope of
13 his expertise as relevant to the issues and defenses herein, and
14 such other matters as may be added by supplemental narrative
15 statement.

16
17 2. Vicki Aznaran, c/o Phoenix Investigations, 5521
18 Greenville Avenue, Suite 1044, Dallas, Texas 75206.

19 Ms. Aznaran is expected to testify about her knowledge of
20 Scientology and its organizations, structure, beliefs, practices,
21 methods, personnel, conduct, behavior, hierarchy, lexicon,
22 activities, financing, financial activities, financial misdealings,
23 setups, dead agent files, suicides, attempted suicides, history,
24 criminal and/or alleged criminal conduct, dealings with the public,
25 dealings with former members, dealings with the press, dealings
26 with the judicial system, dealings with psychiatry and psychology
27 fields, coercive methods, threats and directives to kill or murder
28 people, the "fair game" doctrine and other related or similar

PROOF OF SERVICE

1
2
3 I am employed in the County of Los Angeles. I am over
4 the age of 18 years and not a party to this within action; my
5 business address is 221 North Figueroa Street, Suite 1200, Los
6 Angeles, California 90012.

7 On December 7, 1993, I served on the interested parties
8 in this action the within document entitled: DEFENDANT, UWE
9 GEERTZ, PH.D.'S BRIEF NARRATIVE STATEMENTS REGARDING EXPECTED
10 TESTIMONY OF EXPERT WITNESSES

11 [X] by placing a true copy thereof enclosed in a sealed envelope
12 addressed as follows:

13 SEE SERVICE LIST

14 [X] (BY MAIL) I caused such envelope(s) with postage thereon
15 fully prepaid, to be deposited with the United States Postal
16 Service at Los Angeles, California.

17 I am readily familiar with the firm's practice for
18 collection and processing of correspondence for mailing
19 with the United States Postal Service. Said correspon-
20 dence will be deposited with the United States Postal
21 Service on this same day in the ordinary course of
22 business. I am aware that upon motion of party served,
23 service is presumed invalid if postal cancellation date
24 or postage meter date is more than one day after date of
25 deposit for mailing as declared therein.

26 Executed on December 7, 1993, at Los Angeles, California.

27 [] (STATE) I declare under penalty of perjury under the laws of
28 the State of California that the foregoing is true and cor-
rect.

[x] (FEDERAL) I am employed by a member of the Bar of this Court
at whose direction this service was made. I declare under
penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

S/

Marcia Schwartz

SERVICE LIST

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Mr. Steven Fishman
8851 Sunrise Lakes Boulevard, #116
Sunrise, Florida 33322-1413

Jonathan W. Lubell, Esq.
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New York, New York 10022

Robert Wiener, Esq.
BOWLES & MOXON
6255 Sunset Blvd., Suite 2000
Los Angeles, California 90028

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GRAHAM E. BERRY, State Bar No. 128503
GORDON J. CALHOUN, State Bar No. 84509
LEWIS, D'AMATO, BRISBOIS & BISGAARD
221 N. Figueroa Street, Suite 1200
Los Angeles, California 90012
Telephone: (213) 250-1800

Attorneys for Defendants
UWE GEERTZ, Ph.D.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY)	Case No. CV 91 6426 HLH (Tx)
INTERNATIONAL, a California)	
non-profit religious)	DECLARATION OF ROBERT VAUGHN
organization,)	YOUNG
)
Plaintiff,)	Trial Date: Not set
)
vs.)	Motion Cut off: Not set
)
STEVEN FISHMAN AND UWE GEERTZ,)	Discovery C/off: Not set
)
Defendants.)	
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DECLARATION OF ROBERT VAUGHN YOUNG

I, ROBERT VAUGHN YOUNG, declare as follows:

PURPOSE OF THIS DECLARATION

1. I have been retained as a consulting expert by counsel for defendant Dr. Uwe Geertz in the Church of Scientology International v. Steven Fishman, et al. litigation. I make this declaration in support of Dr. Geertz's several motions for summary judgment and in particular in response to the Declaration of Lynn Farny on issues relating to Fair Game and the Church of Scientology's deeply imbedded adherence to the doctrine that persons such as Dr. Geertz who have been labeled "Suppressive Persons" or enemies of Scientology should and must be harassed through any means possible, particularly the judicial system, to punish them for having criticized Scientology. I will summarize the basis for the information in this Declaration. Then I will address the issues pertinent to the pending motions. Finally, I will set forth my involvement with Scientology, which is the basis for the information contained in this Declaration in detail.

2. The matters set forth herein are of my own personal knowledge and if called to testify, I could and would testify competently thereto.

OVERVIEW OF MY ASSOCIATION WITH SCIENTOLOGY

3. I was a member of an organization calling itself the Church of Scientology for approximately 20 years between 1969 and 1989. For all but the first few months of my involvement with that organization I was an employee of the Church of Scientology. For about fifteen of those over twenty years, I lived communally

1 27, 1979, when "The Controller Committee" issued Guardian Order
2 3031 called "Scientology And The Law" under Hubbard's name
3 (ATTACHMENT U) in which they stressed compliance with the law. (It
4 should also be noted this urging of compliance with the law was
5 released only after Mary Sue Hubbard and the others signed the
6 Stipulation of Evidence.) The issue contains many of the same
7 platitudes that Mr. Farny quotes in his declaration. Regardless of
8 the platitudes issued in 1979, about a year later, the hypocrisy
9 came out when the Government revealed that the defendants
10 confessed that Fair Game had continued up through mid-1980 and may
11 have continued past that point.

12 51. In fact, Fair Game did continue. Although the Guardian's
13 Office was "disbanded," a new campaign was undertaken against
14 Gerald Armstrong in 1981, a staff member who had fled with some of
15 Hubbard's files. Contrary to what Mr. Farny said, there were Fair
16 Game actions taken against Armstrong after the GO was "disbanded."
17 I know because I sat in on those strategy meetings and was ordered
18 by Hubbard as well as David Miscavige to "get Armstrong." For
19 example, Hubbard ordered a "reward" poster that would characterize
20 Armstrong as a criminal. (I did not comply with the order, for
21 which I was severely berated by Miscavige.)

22 52. The use of Fair Game on Armstrong was confirmed in 1984
23 when California Superior Court Judge Paul Breckenridge, Jr., ruled
24 against Scientology with an opinion that included a statement
25 about the civil rights of members and Hubbard:

26 "In addition to violating and abusing its own members
27 civil rights, the organization over the years with its
28

1 'Fair Game' doctrine has harassed and abused those
2 persons not in the Church whom it perceives as enemies.
3 The organization clearly is schizophrenic and paranoid,
4 and this bizarre combination seems to be a reflection of
5 its founder LRH. The evidence portrays a man who has
6 been virtually a pathological liar when it comes to his
7 history, background, and achievements. The writings and
8 documents in evidence additionally reflect his egoism,
9 greed, avarice, lust for power, and vindictiveness and
10 aggressiveness against persons perceived by him to be
11 disloyal or hostile." (ATTACHMENT N)

12 53. Another judge who stepped down from a Scientology case
13 was Federal District Judge James M. Ideman. But as he did so, he
14 filed a declaration in his court on June 21, 1993, (ATTACHMENT O)
15 which said, in part:

16 "Plaintiff has recently begun to harass my former law
17 clerk who assisted me on this case, even though she now
18 lives in another city and has other legal employment.
19 This action, in combination with other misconduct by
20 counsel over the years has caused me to reassess my
21 state of mind with respect to the propriety of my
22 continuing to preside over the matter."

23 54. Part of the problem, he said, was seeking to have
24 Scientology comply with discovery. They would not comply:

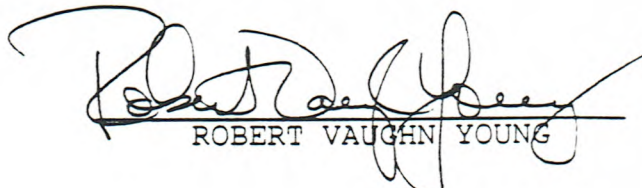
25 "This noncompliance has consisted of evasions,
26 misrepresentations, broken promises and lies, but
27 ultimately with refusal."
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In short, all Hubbard policies which created Fair Game are still in effect, including Guardian Orders, and will remain in effect as "scriptures" until he changes them. This, of course is impossible because Hubbard died in 1986.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25 day of October 1993, at Los Angeles California.


ROBERT VAUGHN YOUNG

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA,

Plaintiff,

vs.

GERALD ARMSTRONG,

Defendant.

MARY SUE HUBBARD,

Intervenor.

No. C 420153

MEMORANDUM OF
INTENDED DECISION

In this matter heretofore taken under submission, the Court announces its intended decision as follows:

As to the tort causes of action, plaintiff, and plaintiff in intervention are to take nothing, and defendant is entitled to Judgment and costs.

As to the equitable actions, the court finds that neither plaintiff has clean hands, and that at least as of this time, are not entitled to the immediate return of any document or objects presently retained by the court clerk. All exhibits

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 221 North Figueroa Street, Suite 1200, Los Angeles, CA 90012.

On October 26, 1993, I served the foregoing document described as DECLARATION OF ROBERT VAUGHN YOUNG, on interested parties to this action

XX by placing the original XX a true copy thereof enclosed in sealed envelopes addressed as follows:

Jonathan W. Lubell, Esq.
MORRISON, COHEN, SINGER & WEINSTEIN
750 Lexington Avenue
New York, New York 10022

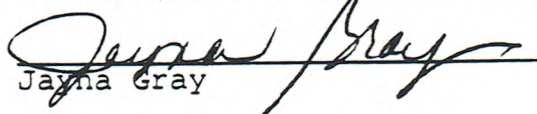
Mr. Steven Fishman
8851 Sunrise Lakes Blvd., #116
Sunrise, Florida 33322-1413

Robert A. Wiener, Esq.
BOWLES & MOXON
6255 Sunset Blvd., #2000
Hollywood, CA 90028

XX BY MAIL I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am "readily" familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

Executed on October 26, 1993, at Los Angeles, California.

XX (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Jayna Gray

1 GRAHAM E. BERRY - State Bar No. 128503
2 GORDON J. CALHOUN - State Bar No. 4509
3 LEWIS, D'AMATO, BRISBOIS & BISGAARD
4 221 North Figueroa Street, Suite 1200
5 Los Angeles, California 90012
6 (213) 250-1800

7 Attorneys for Defendant,
8 UWE GEERTZ, Ph.D

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 CHURCH OF SCIENTOLOGY) CASE NO. 91-6426 HLH (Tx)
12 INTERNATIONAL,)
13 Plaintiff,) DEFENDANT GEERTZ'S LIST OF
14 vs.) WITNESSES PURSUANT TO LOCAL RULE
15 STEVEN FISHMAN and UWE GEERTZ,) 6.1.4
16 Defendants.)
17 _____)

18 Defendant Geertz hereby submits his Local Rule 6.1.4 list of
19 witnesses known (or believed) at this time to have knowledge
20 regarding the material allegations and defenses herein.

21
22 **a. Plaintiff's Officers and Employees and Plaintiff-**
23 **Affiliated Percipient Witnesses. (n.b. many of the**
24 **depositions may be for two hours duration or less.)**

- 25 1. David Miscavige
26 2. Marty Rathbun
27 3. Norman Starkey
28 4. Hugh Wilhere

- 1 5. Marion Evoy
- 2 6. Rev. Heber Jentzsch
- 3 7. David Butterworth
- 4 8. Linda Sackovich
- 5 9. George Robertson
- 6 10. Gayle Armstrong
- 7 11. Wendy Myers
- 8 12. Matt Bratschi
- 9 13. Gwyn Mayfield
- 10 14. Michael Scheffler
- 11 15. Michael Rinder
- 12 16. the Custodian of Records of the Church of Scientology in
- 13 Coral Gables, Fa, and its most knowledgeable person regarding the
- 14 issues in this litigation
- 15 17. Ray Jourdain
- 16 18. Leah Abady
- 17 19. Leona Littler Grimm
- 18 20. Humberto Fontana
- 19 21. Charles Fox
- 20 22. Lisa Witt
- 21 23. Mark Witt
- 22 24. the custodian of documents of the Church of Scientology
- 23 mission in Fort Lauderdale, Fa, and its most knowledgeable person
- 24 regarding the issues in this litigation
- 25 25. the custodian of documents of the Church of Scientology in
- 26 Clearwater, Florida and its most knowledgeable person regarding the
- 27 matters in issue in this litigation.
- 28 26. Peter Letterese

- 1 27. Barbara Fawcett Letterese
- 2 28. Michael Hambrick
- 3 29. Reggie Monce
- 4 30. Barbara Koster
- 5 31. Nancy Witkowski
- 6 32. Brad Van Dyck
- 7 33. Candy Healey
- 8 34. Carla Bazin
- 9 35. Yvonne Shirley Mott a/k/a/ Bonny Mott
- 10 36. Denise Franklin Monce Mocha
- 11 37. Paul Laquerre
- 12 38. Ellie Bolger
- 13 39. Carol Wynn
- 14 40. Jeff Quiros
- 15 41. Kenneth Long, Esq.
- 16 42. Deborah Truax
- 17 43. the Custodian of records of the Church of Scientology
- 18 International in Los Angeles, and its most knowledgeable person
- 19 regarding the matters in issue in this litigation.
- 20 44. Fred Hare
- 21 45. Doris Hare
- 22 46. Steven Raddich
- 23 47. Lynn Farny
- 24 48. Jonathan Epstein
- 25 49. Janet Weiland
- 26 50. John Carmichael
- 27 51. Aaron Mason
- 28 52. August Murphy

- 1 53. Sam Demeter
- 2 54. Andy Bagley
- 3 55. Sue Taylor
- 4 56. Julie Christofferson
- 5 57. Hillary Katz
- 6 58. Valerie Naiman
- 7 59. Lydia Martinez
- 8 60. Kevin Bein
- 9 61. Glen Jackson
- 10 62. Ken Urquhart
- 11 63. Dianna Hubbard Horwich
- 12 64. Lyman Spurlock
- 13 65. Louis Jolyon West
- 14 66. Michael Flynn
- 15 67. Pat Broeker
- 16 68. Annie Broeker
- 17 69. Laurel Chesnee
- 18 70. Carrell Kirklan
- 19 71. Carol Frey
- 20 72. Lavenda Van Schaick
- 21 73. Bill Morey
- 22 74. Frank Thompson
- 23 75. Stephanie Radditz
- 24 76. Steve Marlowe
- 25 77. Wendell Reynolds
- 26 78. Norman Vespi
- 27 79. Fran Hardy
- 28 80. Cheryl Powell

- 1 81. Bob Levy
- 2 82. Charlie Fox
- 3 83. Ray Mithoff
- 4 84. Anne Glushakow
- 5 85. Margaret Supak
- 6 86. Collete Atzel
- 7 87. Chuck Wiss
- 8 88. Alain Kartuzinski
- 9 89. Trish Baroski
- 10 90. Dave Dewey
- 11 91. Vicki Kirkland
- 12 92. Jan Logan
- 13 93. Janell Aibach
- 14 94. Karen Staley
- 15 95. Dennis Clarke
- 16 96. Jane Kember
- 17 97. M. O. Budlong
- 18 98. Martin Samuels
- 19 99. Mary Sue Hubbard
- 20 100. Kurt Weiland
- 21 101. Sue Taylor
- 22 102. Ann Laws
- 23 103. Merril Vanier
- 24 104. Henning Heldt
- 25 105. Duke Snider
- 26 106. Tom Reitre
- 27 107. Brian Andrus
- 28 108. Richard Tinklenberg

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- 109. Laurel Sullivan Watson
- 110. Donna Casselman
- 111. Glenn Barton
- 112. Certain other Scientologists with regard to plaintiff's damage claims
- 113. Certain witnesses involved in and as to the recent criminal convictions of the Church of Scientology in Canada, Spain, Greece, etc.
- 114. Timothy Bowles, Esq.
- 115. Kendrick Moxon, Esq.,
- 116. Randy Spencer
- 117. Laurie J. Bartilson
- 118. Robert A. Wiener

b. Third Party Percipient and Other Witnesses

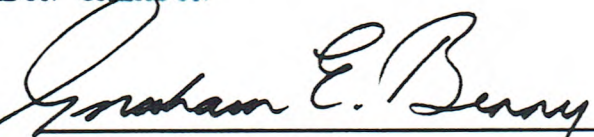
- 119. Hon. Robert Dondero
- 120. Garry L. Scarff
- 121. Lorna Levitt
- 122. Nan McLean
- 123. Marjorie Wakefield
- 124. Duke Fisher, M.D.
- 125. Leigh Silverton, M.D.
- 126. Kathryn Welds, Ph. D.
- 127. Roxanne Friend
- 128. Gabriel Cazares
- 129. David Mayo
- 130. Eddie Da Rocha

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- 131. Richard Padilla
- 132. John Swanson
- 133. Omar Garrison
- 134. Paulette Cooper
- 135. Bent Corydon
- 136. Russell Miller
- 137. Homer Schomer
- 138. Margaret Horner
- 139. Robert Weldkos
- 140. Joel Sappell
- 141. Linda Stasi
- 142. Robert W. Lobsinger
- 143. Brian Leuman
- 144. Curtis Harmon
- 145. Jonathan Nordquist.

Dated: October 5, 1993.

LEWIS, D'AMATO, BRISBOIS & BISGAARD
GRAHAM E. BERRY
GORDON CALHOUN

By: 
Graham E. Berry
Attorneys for Defendant Uwe Geertz

PROOF OF SERVICE
1013A (3) CCP Revised 5/1/88

State of California, County of Los Angeles

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 221 N. Figueroa Street, Suite 1200, Los Angeles, California 90012.

On October 6, 1993, I served the foregoing document described as: DEFENDANT GEERTZ'S LIST OF WITNESSES PURSUANT TO LOCAL RULE 6.1.4. on all interested parties:

JONATHAN W. LUBELL, ESQ.
MORRISON, COHEN, SINGER & WEINSTEIN
750 LEXINGTON AVE.
NEW YORK, NEW YORK, 10022

MR. STEVEN FISHMAN
8851 SUNRISE LAKES BLVD.
116
SUNRISE, FLORIDA 33322-1413

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

BY MAIL

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on October 6, 1993, at Los Angeles, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

MARIA BAQUIRAN
Type or Print Name

Maria Baquiran
Signature

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 261 S. Figueroa St., Ste. 300, Los Angeles, CA 90012.

On October 5, 1993 I served the foregoing document described as DEFENDANT GEERTZ'S LIST OF WITNESSES PURSUANT TO LOCAL RULE 6.1.4 in this action to all interested parties by placing the true copies thereof enclosed in sealed enveloped addressed as follows:

Robert Wiener
Timothy Bowles
BOWLES & MOXON
6255 Sunset Blvd., #2000
Hollywood, CA 90028

BY PERSONAL SERVICE

I delivered such envelope by hand to the office of the address.

Executed on October 5, 1993, at Los Angeles, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed i the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

4605.1

1 affiliated in any corporate capacity with the plaintiff, Church
2 of Scientology International ("CSI"). I make this declaration
3 for several reasons. First, until January 4, 1994, the date on
4 which I was informed that my deposition had been ordered in this
5 case by Magistrate Judge Tassopoulos, I had no idea that I would
6 be required to testify in this case. I was never served with any
7 subpoena for such testimony, I have never had any contact
8 whatsoever with either defendant, and I had nothing whatsoever to
9 do with this case until now. In fact, it was not until January 6,
10 1994, after my deposition had been ordered, that I first read the
11 outrageous papers filed by Geertz's counsel when he sought to
12 have my deposition ordered. Second, upon reading those papers,
13 I discovered that Geertz's counsel made arguments to the
14 Magistrate Judge that gave her the absolutely false impression
15 that I was evading service of subpoena. It caused me great
16 concern to learn that the Magistrate Judge had asked, "Why has
17 Mr. Miscavige avoided service?" I did no such thing, and were it
18 not for the baseless allegations which Geertz's counsel
19 proffered, I believe the Magistrate Judge would instead have
20 asked Geertz's counsel, "Has Mr. Miscavige been served?" The
21 truthful answer to that question is "No." Third, my lawyers'
22 efforts to arrange for my deposition to be taken have been
23 rebuffed by Geertz's counsel, who, at the same time, is
24 threatening to move for a contempt citation against me for not
25 appearing at a deposition he has refused to schedule. It is
26 inconceivable to me that Geertz's counsel can seriously contend
27 that I am to blame for a deposition not going forward when he has
28 refused to depose me. Finally, in the course of these

1 proceedings, Geertz's counsel, Robert Vaughn Young and Stacy
2 Young have made a number of allegations about me and about the
3 Scientology religion which require a response, so there can be no
4 doubt that those allegations are false.

5 3. I have read the vile declarations filed by Vaughn and
6 Stacy Young in this case. It is clear to me that the false
7 allegations they have filed have been offered solely for the
8 purpose of making me the centerpiece of this litigation, and that
9 their motivation is to forward a litigation tactic of harassment
10 to the point of a hoped-for default by the only laintiff to this
11 action, CSI. The foregoing is based on the falsity of the claims
12 they have made, my personal knowledge that both of these
13 individuals are not qualified to testify to the matters they have
14 addressed by declaration, and because I have seen the same
15 litigation tactics used before in instances where Vaughn Young
16 would have learned this "technique." Therefore, this declaration
17 is submitted to demonstrate that I have no knowledge of the
18 defendants in this case, to set the record straight concerning
19 the false allegations of Vaughn and Stacy Young, and to comply as
20 fully with the court order concerning my deposition as Geertz's
21 counsel's actions permit, since Geertz's counsel has declined all
22 opportunities to do so. I also submit this declaration because I
23 feel the Court has been poisoned into believing that I have had
24 some role in this litigation by the statements of the Youngs and
25 counsel for Geertz, to which I have neither responded nor even
26 had the opportunity to respond.

27
28

1 **BACKGROUND**

2 4. I have been a practicing member of the Scientology
3 religion since 1971. In 1976, I joined staff of the Church of
4 Scientology of California (and the Sea Organization -- the
5 Scientology religious order). During my tenure in this
6 corporation, I held many positions. In 1977, I had the
7 opportunity to work directly with L. Ron Hubbard in many
8 different capacities. In 1978, Mr. Hubbard was engaged in the
9 production of Scientology films which had the purpose of training
10 Scientology counsellors (called "auditors") in the practice of
11 Scientology. During this time I was the Chief Cameraman. Later,
12 I worked directly with Mr. Hubbard as a member of the Commodore's
13 Messenger Organization ("CMO"), which duties consisted of
14 assisting Mr. Hubbard in whatever activities he was engaged in.
15 The functions are best described as an assistant. Later, when
16 Mr. Hubbard went into seclusion to continue his researches on
17 Dianetics and Scientology, and to engage in his own writings, I
18 became part of a newly formed CMO organization, CMO
19 International.

20 5. CMO International's role was to see that the
21 management of the Church operated in accordance with Scientology
22 policy and technology. The title of my position was Action
23 Chief. In short, this post was responsible for missionary
24 activities of the Church, where personnel from the Mother Church
25 would travel to different parts of the world to see to the proper
26 operation of various Church activities and to take corrective
27 action where necessary. The types of missions I generally
28 supervised were those that saw to the correct functioning of the

1 Church management and the correction thereof.

2 6. From the beginning of 1982 until March of 1987, I was
3 Chief Executive Officer and later Chairman of the Board of Author
4 Services, Inc. ("ASI"), a California corporation which managed
5 the personal, business, and literary affairs of L. Ron Hubbard.
6 Later in this declaration, I describe how I came to that
7 position.

8 7. Since March of 1987, I have been Chairman of the Board
9 of Religious Technology Center ("RTC"), a California non-profit
10 religious corporation recognized as tax exempt under Section
11 501(c)(3) of the Internal Revenue Code. RTC is not part of
12 Church management, nor is it involved in the daily affairs of
13 various Church of Scientology organizations or missions. RTC
14 ensures that the trademarks of Dianetics and Scientology, and the
15 technology they represent, are properly used around the world.
16 It exists to see that Dianetics and Scientology technology is
17 safeguarded, is in good hands, and is properly used.

18 8. RTC was formed with the specific purpose of seeing that
19 the religion of Scientology was kept pure and true to the source
20 materials of the religion. In fact, a major reason for its
21 formation was to have such a Church organization that performed
22 these functions in a capacity entirely separate from the actual
23 management of the various Churches and Missions of Scientology.
24 Not only is RTC not involved in the management of the
25 international hierarchy of Scientology churches, but its very
26 existence and performance of its true functions depends on the
27 fact that it is NOT part of Church management. The authority of
28 the Religious Technology Center stems from the ownership of the

1 trademarks of Dianetics and Scientology. In brief, RTC's
2 maintenance of these trademarks is threefold: A) ensuring that
3 when something is represented as Dianetics or Scientology, that
4 it actually is; B) seeing that any organization representing
5 itself as Dianetics or Scientology (and using those names), while
6 actually being something entirely different, is prevented from
7 doing so; and C) seeing that anyone offering Scientology, but
8 calling it something else (a name other than Dianetics or
9 Scientology) is prevented from doing so. I could give various
10 such examples where actions listed in B) and C) have actually
11 occurred, although it is not necessary here. Suffice it to say
12 that when such has occurred, RTC has acted, with litigation when
13 necessary, and has been able to uphold the proper use of the
14 marks in every instance.

15 9. As Chairman of the Board, the most senior position in
16 RTC, I am uniquely interested in the standard application of the
17 Scripture of Scientology as detailed in Hubbard Communications
18 Office Policy Letters (HCO PLs) and Hubbard Communications Office
19 Bulletins (HCOBs) and the spoken words of Mr. Hubbard on the
20 subjects of Dianetics and Scientology as recorded on audio tape,
21 video, film and, in some cases, written transcriptions of these
22 materials. I inspect and correct departures from the standard
23 application of the Scripture of the religion. I also ensure that
24 any attempted perversion of the technology of Dianetics and
25 Scientology is rapidly dealt with, to keep the religion pure so
26 that all people may benefit from the application of Mr. Hubbard's
27 breakthroughs in the fields of the mind, the spirit and life.

28 10. In the course of my duties I travel widely. I often

1 appear at Church events and briefings which serve to keep
2 Scientologists around the world aware of the widespread
3 application of Mr. Hubbard's writings. In all such appearances,
4 my position as Chairman of the Board of RTC is known, as is its
5 distinction from actual Church management officials of CSI. I
6 also oversee the affairs of the Religious Technology Center in
7 its function of verifying that the source writings of the
8 religion are kept pure. This specifically includes the
9 verification that the materials representing themselves as being
10 Dianetics and Scientology are in fact that, and that they
11 honestly reflect the source writings of the religion by L. Ron
12 Hubbard. I also oversee RTC's function of assuring that the
13 trademarks of Dianetics and Scientology are legally registered
14 and kept current in over 190 countries around the world.

15 11. Neither RTC nor I has any corporate authority over any
16 Scientology church, including CSI. CSI is the Mother Church of
17 the Scientology religion and has been since its inception in
18 1981. As such, CSI is responsible for the activities
19 commensurate with such a role, including the ecclesiastical
20 management of Churches, dissemination and propagation of the
21 faith and defense of its activities, including external and legal
22 affairs. All of the foregoing facts were submitted to and
23 thoroughly reviewed by the Internal Revenue Service prior to the
24 recent recognition of the tax-exempt status of CSI, RTC and a
25 host of other Church corporations and entities.

26
27 **FAILURE TO SERVE SUBPOENA**

28 12. Apparently Geertz's counsel made some attempts to serve

1 me with a deposition subpoena in Los Angeles in December of 1993,
2 when I was away from California on business in the United Kingdom
3 and Washington, D.C. I keep a busy schedule that requires
4 extensive travel in the course of handling a wide range of
5 ecclesiastical duties, and my schedule has nothing to do with the
6 presence or absence of process servers. In January, I was away
7 on business in Clearwater, Florida and Washington, D.C. In
8 Washington, I met with the head of Interpol, Raymond Kendall, on
9 one of the days that Geertz's counsel unilaterally set for my
10 deposition. This meeting had been arranged for more than a month
11 and since this individual was travelling all the way from
12 Interpol headquarters in Europe, it was hardly something I could
13 cancel. During that same week, and on another day arbitrarily set
14 for my deposition, I met with IRS officials in a similarly pre-
15 arranged meeting. In fact, I was only home for approximately 25
16 days in all of 1993. I was simply not in the State of California
17 during the entire time in which service attempts on me were
18 apparently being made. I understand this fact was made known to
19 the Magistrate Judge in this case and later to the Court. To
20 this day, I have never received a subpoena in this case.

21 13. Any suggestion that I try to avoid giving testimony is
22 just false. In May of 1992, I testified at a legal proceeding in
23 Toronto, Canada, although there was no legal means to compel my
24 testimony. I testified for four full days in the summer of 1993
25 in Church of Scientology International v. Eli Lilly, et al., a
26 case pending in federal court in Washington, D.C. There are over
27 1100 pages of deposition transcript that comprise that
28 deposition, with very little in the way of objections or

1 colloquy. I did so because I knew my testimony was needed and
2 relevant. In 1990, I was deposed for two full days in Bent
3 Corydon v. Church of Scientology International. In that
4 instance, I was "rewarded" for appearing by having plaintiff's
5 counsel serve me with various subpoenas in other disrelated
6 matters. In both Lilly and Corydon, the opposition first
7 attempted to notice my deposition while concurrently arguing that
8 I would "refuse to appear." In each instance I was forced to
9 refute such nonsense and in fact did appear. To claim that I
10 evade service or avoid being deposed or otherwise avoid giving
11 testimony is nonsense on its face.

12 14. I want the Court to be aware that upon learning that my
13 deposition had been ordered by the Magistrate Judge on January 4,
14 1994 and upon reading the allegations that apparently led to
15 that order, which I first read on January 6, 1994, I consulted
16 with my counsel in this matter, who advised that I seek the
17 Court's review of the Magistrate Judge's order concerning my
18 deposition. At the same time, I also instructed my counsel that
19 in spite of the fact that I had no knowledge of the issues raised
20 in this case, and in spite of the lack of any service of a
21 subpoena on me, and in spite of the fact, as noted above, I was
22 to be out of town for much of January, counsel should try to make
23 arrangements for my deposition to be taken, should the Court not
24 reverse the Magistrate Judge's order. Efforts to make such
25 arrangements commenced on January 10, 1994 and continued through
26 February 4, 1994. I am informed that Geertz's counsel was not
27 willing to discuss a mutually acceptable date for my testimony,
28 particularly at the end of that period, when Geertz's counsel

1 declined even to propose a date for my deposition. In the
2 meantime, while refusing to depose me, he threatens me with
3 contempt for not having been deposed. I am convinced that this
4 entire tactic of attempting to bring me into a case where my only
5 involvement stems from this pursuit of my testimony, is for the
6 purpose of harassment and to forward a litigation tactic of
7 avoiding litigation of the actual case by use of abusive and
8 irrelevant discovery tactics.

9 15. As a result, I feel I should make whatever effort I
10 can to set the record straight on many of the false and
11 inflammatory allegations that have been injected into this case.
12 Therefore, I am using this written declaration to inform the
13 Court of what my testimony would have been. I also am making my
14 testimony available, because of my great concern that my name has
15 been attacked in such a way that the Court has made rulings
16 regarding my appearance based entirely on falsehoods presented by
17 Geertz's counsel and Vaughn and Stacy Young.

18

19 **NO KNOWLEDGE OF DEFENDANTS**

20 16. I first heard the name Steven Fishman in the summer of
21 1990, when it was brought to my attention that someone by that
22 name had been sentenced to prison for mail fraud and obstruction
23 of justice and that in the course of being sentenced, he had
24 referred to me by name and it had been alleged that illegal acts
25 he had committed were as a result of Fishman being "implanted"
26 and caused pain by inserting BIC pens in his penis and forcing
27 him to smell human feces. As I had never heard of Fishman and
28 because the allegations were such tabloid rot, I assumed this was

1 some new form of "insanity defense" and that Fishman had picked
2 my name out of the press or something. I never thought about the
3 matter again, until 1991, when I read the 8 page cover story in
4 Time Magazine concerning CSI in the May 6, 1991 edition. At no
5 time, either before or since I read their names in that magazine,
6 have I met with, spoken to, communicated with or otherwise had
7 any contact or communication of any kind with either Geertz or
8 Fishman. It was when I read that article that I first heard the
9 name Uwe Geertz.

10 17. Geertz has submitted copies of purported correspondence
11 from defendant Steven Fishman to Church members making reference
12 to me as a participant in Fishman's mail fraud crimes. These
13 references to me are pure fiction. Indeed, I have been informed
14 that CSI has filed with the Court an unrebutted declaration of a
15 typewriter expert who concluded that these letters could not have
16 been created on the dates claimed by Fishman.

17 18. Other than the falsified documents of a convicted
18 felon, the defendants have identified no other "evidence" that I
19 even knew Fishman, much less ordered or condoned crimes for which
20 he was imprisoned. Instead, Geertz has submitted two vicious
21 declarations, from Vaughn and Stacy Young, which attack and
22 vilify me personally without reference to any issue in this case.
23 Most significantly, neither of the Youngs ever suggests that they
24 ever heard me or any other senior official in the Scientology
25 religion mention Steven Fishman or Uwe Geertz in their presence.
26 At no time does either one even suggest that they know anything
27 that connects me to any issue in this case. The reason they have
28 failed to do so is clear: they have no such evidence of my

1 involvement with Fishman or Geertz because no such evidence
2 exists.

3 19. Exemplifying the unsupportable, irrelevant and
4 malicious nature of Vaughn Young's personal assault on me is his
5 false and repugnant insinuation that I was involved with the
6 death of my mother-in-law, Mary Florence Barnett. Not only is
7 there no evidence to support this claim by Young, but there is
8 clear evidence to the contrary. With the reports of the coroner
9 and the medical examiner's investigator, and with the deposition
10 of the medical examiner taken by Geertz's counsel at hand -- all
11 to the unanimous, unequivocal conclusion that Ms. Barnett died
12 from self-inflicted gunshots -- Young has the temerity to suggest
13 that I should be investigated to determine what he calls my role
14 in that tragic suicide. With complete disdain for the facts and
15 no regard whatsoever for any sense of decency, Young has taken a
16 personal tragedy in my family's life, the suicide of my
17 mother-in-law, and attempted to make this an issue in this
18 lawsuit by twisting it to imply non-existent wrongdoing on my
19 part. I not only had nothing to do with this tragic incident,
20 but Vaughn Young's gratuitous embellishment that I ordered the
21 matter "hushed up" is equally false. My only association with
22 this tragedy was to console my wife who was understandably
23 emotionally traumatized and grief stricken. Vaughn Young's
24 effort to exploit this tragedy is malicious in and of itself, but
25 his innuendo and attempts to recast the incident, despite the
26 uncontroverted evidence as to the true cause of Ms. Barnett's
27 death, show the depths to which he is willing to sink.

28 20. At this point, I have stated all I know of Steve

1 Fishman and Uwe Geertz and anything that could possibly be
2 relevant to this case. However, Vaughn and Stacy Young have
3 taken it upon themselves to introduce into this case their
4 version of my history with the Church. I cannot understand the
5 relevance of this under any circumstances, but since counsel has
6 now refused to take my deposition while concurrently levelling
7 threats, I feel I am forced to give a brief history of what
8 actually occurred to be in compliance with the Court's order if
9 such is considered relevant, and to show in proper context how
10 Vaughn and Stacy Young are simply incapable of competently
11 testifying to events they have "described" in their declarations.

12

13 **HISTORY OF FALSE ALLEGATIONS**

14 21. False allegations leveled against me in the context of
15 litigation or in the media are nothing new. I raise this point
16 only so that the Court will understand that the sort of
17 scurrilous personal attack on me launched by Geertz's counsel and
18 Vaughn Young is the latest in a pattern of such attacks in
19 litigation over the years. I recognize that it is not uncommon
20 for leaders of organizations and movements to be subjected to
21 such attacks. I can only assume that I am attacked because I am
22 visible as the ecclesiastical leader of the Scientology religion.
23 I note that I am the ecclesiastical leader of the religion, not
24 the Church. The mischaracterization of my role made by the
25 editors of Premiere magazine in an editorial note cannot convert
26 me from the leader of the religion to the head of the Church.
27 Neither can the imprecise use of language by Ted Koppel on ABC's
28 Nightline Show. Both of those erroneous designations are

1 examples of the media not understanding the nature of what I do
2 or the nature of my relationship to the Church. In the case of
3 Premiere, the same article that contained the erroneous statement
4 by the editors, also contained a photo caption which I did
5 compose and which did correctly identify my position as "David
6 Miscavige, Chairman of the Board of Religious Technology Center,
7 Holder of the Trademarks of Dianetics and Scientology." On
8 "Nightline," I was sitting on live, nationwide TV, engaged in
9 rebutting a set up video for the show, containing 15 minutes of
10 false and outrageous charges about Scientology and did not deem
11 it important to pause from correcting those false charges so I
12 could educate Mr. Koppel on matters of corporate structure.

13 22. My name has now been dragged through the mud in this
14 litigation, not only by means of a mean-spirited personal attack,
15 but also as part of what appears to be a tactic of hurling false
16 and irrelevant allegations against Church of Scientology
17 International, the Scientology religion and its Founder. It is
18 unfortunate that I am now put in the position of defending my
19 reputation and refuting lies about my religion that have become
20 part of the record in this case. In that regard, I must note
21 that in reviewing the sordid and outrageous allegations made
22 about me by Geertz's counsel and Mr. Young, I was struck by their
23 technique of using vague, innuendo-filled vignettes and
24 unsubstantiated rumors in an effort to sound authoritative. I
25 was also struck by the way that their declarations attempt to
26 portray normal things as abnormal. I can only submit that trying
27 to make the usual seem strange and trying to color events by
28 innuendo are the tools by which bigotry is crafted and prejudice

1 is spread.

2 23. The personal attacks on me, as well as many other
3 irrelevant and malicious falsehoods that have been brought in
4 this case, have largely been introduced through declarations of
5 Robert Vaughn Young and Stacy Young and forwarded by Geertz's
6 lawyer, Graham Berry. The Youngs left Scientology almost five
7 years ago, have no personal knowledge of the current activities
8 of RTC, CSI, or any other part of Scientology and, by their own
9 admission, have no personal knowledge of the defendants in this
10 case. Neither Vaughn nor Stacy Young ever worked with me or even
11 near me during the entire time I have been employed by RTC. They
12 couldn't possibly testify to any of my activities as RTC's
13 Chairman of the Board since 1987 because they simply were in no
14 position even to observe such activities. They are not experts
15 on anything relating to Scientology, but have apparently been
16 hired to file inflammatory declarations on non-issues in this
17 suit. The Youngs are, however, generally aware of the fact that,
18 through the years, attempts to malign me personally and create a
19 false picture of the Church with sensational allegations have
20 been the stock-in-trade of litigants opposing the Church and the
21 former Scientologists upon whom counsel rely to swear to matters
22 they do not know and to make false allegations for which they
23 have no basis. I believe that the Youngs' awareness of that
24 litigation ploy explains their involvement in this case and
25 defines the role they are playing.

26 24. For example, part of Vaughn Young's attack is his
27 complete mischaracterization of my role in the dismantling and
28 permanent disbanding of the Guardian's Office ("GO"). The

1 Guardian's Office and the fallout that resulted from it is
2 particularly significant as it is the linchpin of a litigation
3 tactic that has been employed for years against me and the
4 Church. Vaughn Young is simply revisiting the same path trod by
5 others before, but as this has now been injected into the case I
6 feel it important to address this matter, even if necessarily
7 briefly.

8 25. Young would have the Court believe that I was an
9 opportunist, using the jailing of Mary Sue Hubbard as a means of
10 taking control of the GO, while leaving its criminally tainted
11 substance unchanged and operating under a different name. This
12 is a complete perversion of the true events, as set forth below.
13 I would not have expected Young to know all of the details of how
14 I directed the disbanding of the GO and the permanent expulsion
15 of its leaders and other wrongdoers, as he was in a low level
16 position in the GO at the time. However, he knows that when the
17 staff of other Church units completely took over the GO offices
18 and put an end to it as an organization, literally hundreds of
19 his fellow GO staff members were dismissed, expelled from the
20 religion, and forever barred from ever holding any position in
21 any Church organization again.

22 23 DISBAND OF THE GUARDIAN OFFICE

24 26. To understand the magnitude of this upheaval, a
25 description of the history, power and authority of the GO is
26 vital. The GO was established in March of 1966 because legal and
27 other external facing matters were consuming the time and
28 resources of Churches of Scientology. In particular, Church

1 leaders were being distracted from their primary functions of
2 ministering to the spiritual needs of their expanding religious
3 communities and building their organizations. During the 1970s
4 the GO operated as an entirely autonomous organization unchecked
5 and unsupervised by the ecclesiastical management of the Church.
6 The power of the GO was absolute. Unless a member of the GO, one
7 could not even enter their locked offices. They held all
8 corporate directorships. They and they alone dealt with legal
9 affairs of the Church. The GO operated in complete secrecy, and
10 conducted its affairs independently of the Church and its
11 management and personnel. Any attempt to find out their affairs,
12 by Church ecclesiastical staff or any Scientologist, was met with
13 the same "treatment" they handed out to others. For instance, GO
14 staff carried out illegal programs, such as the infiltration of
15 government offices for which eleven members of the GO were
16 prosecuted and convicted. There were also instances in which GO
17 staff used unscrupulous means to deal with people they perceived
18 as enemies of the Church -- means that were completely against
19 Scientology tenets and policy, not to mention the law.

20 27. In 1981, a Church investigation was begun into the
21 activities of the GO. That investigation was prompted by the
22 existence of a number of civil law suits which had been filed at
23 that time against Church of Scientology of California and Mr.
24 Hubbard, and which the GO was supposed to be responsible for
25 handling. Not only was the GO not handling these suits, the GO,
26 and particularly Mary Sue Hubbard, even refused to answer our
27 questions about the suits because they viewed themselves
28 answerable only to persons within the GO. My involvement in the

1 purge of the GO arose from my position at the time, Action Chief
2 CMO International. My duties included directing Church
3 missionaries conducting the investigation of the GO to determine
4 the reasons for the GO's ineffectiveness and why the GO had
5 departed from its original purpose.

6 28. Our attempts to get information were thwarted by Mary
7 Sue Hubbard. She informed us that she did not appreciate our
8 investigation of the GO and that if one were needed she would do
9 it. In March 1981 she cut all of our communication lines to the
10 GO, except through herself. It must be noted that Mary Sue
11 Hubbard believed her position as Controller and as the "Founder's
12 wife" to be unassailable and beyond reproach by anyone but Mr.
13 Hubbard -- who was not around at the time, a fact that she was
14 well aware of. This, plus her absolute control of the GO, made
15 it difficult for the Church missionaries to get anything done.

16 29. In April 1981, in an unprecedented move and without
17 Mary Sue Hubbard's knowledge, I sent a mission to the
18 headquarters of the GO in England -- GO World Wide ("GOWW") -- to
19 inspect the Legal Bureau under the guise that it had been
20 authorized by Mary Sue Hubbard. What the mission found confirmed
21 our worst suspicions.

22 30. We discovered that the GO had grossly mismanaged the
23 legal affairs with which it had been entrusted, and displayed a
24 disdain for the basic policies by which a Scientology
25 organization is supposed to be guided. Whatever else the GO was,
26 it was not Scientology, and it was not adhering to Scientology
27 policy. Moreover, the GO continued to withhold from Church
28 management the darkest of its secrets -- the criminal acts

1 committed by GO staff against the United States government and
2 others. We only learned of these crimes when we read copies of
3 GO documents attached as exhibits to court papers filed by
4 litigation adversaries. These documents had been removed by the
5 GO from its own files in order to continue to hide their
6 criminality from the Church. While the FBI had seized these
7 documents in their 1977 raid of the Church, the GO had obtained
8 an order sealing these materials from the public, including the
9 Church. During a short period, the Court had lifted its sealing
10 order and litigation adversaries obtained copies. And that is
11 why we were only able to start discovering these acts when filed
12 by the opposition in civil litigation.

13 31. When further investigation proved the documents to be
14 authentic, it was made clear that we had no choice but to
15 overthrow the GO and dismiss everyone who had violated Church
16 policy or the law. These activities ultimately led to a complete
17 disband of the GO. I gathered a couple of dozen of the most
18 proven Church executives from around the world and briefed them
19 on the criminal and other unethical conduct of the GO. Together,
20 we planned a series of missions to take over the GO, investigate
21 it and reform it thoroughly. On July 13, 1981, a matter of weeks
22 after we had uncovered what was going on, and with no advance
23 warning to the GO, a coordinated series of CMO missions were sent
24 out concurrently to take over the GO.

25 32. However, there were a number of obstacles to overcome
26 before the termination of the GO could be accomplished. Mary Sue
27 Hubbard was still asserting her authority over the GO from her
28 position as Controller. Contrary to Young's statements, she was

1 not in jail, but was still very much in control of the GO. At
2 the same time, Mary Sue Hubbard was covertly attempting to expand
3 her power through her friendship with and influence over Laurel
4 Sullivan, a Church staff member who was in charge of a project
5 she referred to as the "MCCS project" -- the purpose of which was
6 to "sort out" the corporate structure of Church of Scientology of
7 California.

8 33. Instead of addressing a sensible reorganization of that
9 Church, Sullivan and her GO supporters were making their own
10 plans to establish trusts and for-profit entities which would
11 have placed even greater corporate control of the Church in the
12 hands of Mary Sue Hubbard and other GO executives in a fashion
13 that would have assured the permanency of GO dominance and power.

14 34. Shortly before the purge of the Guardian's Office, I
15 discussed with Laurel Sullivan various illicit GO activities we
16 had already uncovered. Sullivan was aware of these activities.
17 Sullivan did not agree that the acts the GO had committed were
18 atrocious and that Mary Sue Hubbard and the rest of her criminal
19 group needed to be removed. She insisted that Mary Sue Hubbard
20 remain in power and that at all costs she and the Guardian's
21 Office should maintain total control of the organization
22 regardless of the criminal acts exposed by the government and
23 others, in which Sullivan felt the GO was completely justified in
24 committing.

25 35. Upon learning of Laurel Sullivan's alliance with the GO
26 and the plans to reorganize the Church under Mary Sue Hubbard and
27 her GO allies, I removed Sullivan from her position and disbanded
28 the MCCS project altogether. In fact, recently released

1 documents reveal that Laurel Sullivan -- who would later become
2 an adverse witness against the Church and me -- long ago admitted
3 to law enforcement officials that the corporate restructuring of
4 the Church actually implemented, differed entirely from that
5 envisioned in her MCCA project.

6 36. Contrary to Young's claims, Mary Sue Hubbard was
7 removed from her post before she went to jail. I know, because I
8 personally met with her and obtained her resignation. Vaughn
9 Young was not present at that meeting nor was he present at any
10 of the events described here. He does not and cannot know what
11 occurred. I do. At first, Mary Sue Hubbard was not willing to
12 resign. Eventually she did so. Mary Sue Hubbard and the GO,
13 however, did not simply capitulate.

14 37. Within a day of Mary Sue Hubbard's resignation, senior
15 GO officials secretly met with Mary Sue Hubbard and conspired to
16 regain control of the GO. Mary Sue Hubbard signed a letter
17 revoking her resignation and condemning the actions of the CMO.
18 Scores of GO staff responded, locking the missionaries out of
19 their premises and were intending to hire armed guards to bar
20 access by me and the other Church officials who had ousted them.
21 I then confronted the mutineers, and persuaded Mary Sue Hubbard
22 to again resign, which ended the last vestige of GO resistance.

23 38. When it was decided that cleaning up and maintaining
24 the Guardian's Office in any form was not workable and that it
25 needed to be disbanded altogether, this was accomplished by a new
26 series of CMO Int missions sent to GO offices around the world.
27 The pattern of the missions was to remove all GO staff from their
28 positions and put them on estates work and physical labor around

1 the church. Before being disbanded the GO's Finance Bureau had
2 monitored some aspects of the Church's finances, including the
3 production of and maintenance of accounts and financial records.
4 With the disbanding of the GO, this function was taken over by
5 the International Finance Network, where it remains. Public
6 relations activities were put under the direction and supervision
7 of the L. Ron Hubbard Personal Public Relations Officer
8 International and his staff. All GO social betterment functions
9 - drug rehabilitation, criminal rehabilitation and educational
10 reform, were taken over by a new organization known as Social
11 Coordination. Later this function was assumed by Association for
12 Better Living and Education ("ABLE"), recognized as a tax-exempt
13 organization by the IRS. To administer legal affairs, the Office
14 of Special Affairs ("OSA") was formed from a mixture of Sea Org
15 staff who had been on one or more of the missions that had
16 disbanded the GO, new staff recruited to work in the area and
17 some former GO staff who had survived investigation and scrutiny
18 and had undergone ethics clean-ups relating to their former
19 affiliation in the GO. Completely unlike the GO, the Office of
20 Special Affairs is not an autonomous group. OSA International is
21 part of the Flag Command Bureaux and the highest OSA management
22 position is that of CO OSA Int. The Watchdog Committee has a WDC
23 member, WDC OSA, whose sole job is to see that OSA Int
24 effectively performs its functions and operates according to
25 Church policy. Local OSA representatives, called Directors of
26 Special Affairs, are staff at their local church subject to the
27 supervision of the church's Executive Council.

28 39. To further ensure that the old GO influence was

1 completely terminated, all "Guardian Orders," the non-standard
2 issues which GO staff followed instead of Mr. Hubbard's policies,
3 were canceled. These numbered in the thousands. Today, none of
4 the individuals involved in the criminal activities of the
5 Guardian's Office are serving on the staff of any organization
6 within the Church hierarchy. During the years 1981 through 1983,
7 the Church kept a record of the names of individuals we found to
8 have been involved in illegal activities, who condoned them, or
9 who were in a position where they should have known and done
10 something to stop them. Any individuals who were found at that
11 time to be on staff were dismissed and informed never to apply
12 for re-employment. A list of names of ex-GO members either
13 involved in, condoning, or being in a position to stop criminal
14 acts is maintained by the International Justice Chief (IJC) at
15 Flag Bureaux. Church organizations are required to check with
16 IJC prior to hiring any ex-Guardian's Office staff member; that
17 means anybody who was ever employed by the GO, whether he was
18 involved in or cognizant of any criminal acts or not. The IJC
19 then checks the names against the list of those banned from staff
20 and informs the local Church organization whether it can hire the
21 individual or not. The Church has thus ensured that no
22 individuals involved in the criminal activities of the GO ever
23 serve on staff. Ironically, the lone exception, discussed below,
24 was created by Vicki Aznaran.

25 40. Vaughn Young displays his ignorance of the actual facts
26 concerning the dissolution of the GO, for this was no mere
27 "cosmetic alteration," as he so ridiculously asserts. In a police
28 interview, Laurel Sullivan, the GO ally and architect of the

1 stillborn MCCS project, characterized the purge of the GO as a
2 "blitzkrieg," in marked contrast to Vaughn Young's vastly
3 understated description. It was, in fact, a major, dramatic, and
4 permanent overhaul, with over 800 GO staff dismissed as
5 unqualified or because of their disagreements with Church
6 policies or because of their complicity in criminal conduct. It
7 required approximately 50 separate missions to purge the GO.
8 The posts of Guardian and Controller were abolished.

9 41. As a direct result of the GO corruption and its
10 ultimate overthrow, the Church embarked on a complete corporate
11 reorganization, in part to prevent such criminality from ever
12 occurring again and to make sure a "new GO" could never come
13 about. This is where CSI and RTC came into existence and the
14 reasons for their place in the Church hierarchy are clearly
15 stated in the Church of Scientology International reference book
16 What is Scientology?

17 NOVEMBER 1, 1981

18 The Church of Scientology International was founded,
19 signaling a new era of Scientology management. A
20 strong standardized corporate structure was required to
21 facilitate the rapid expansion of Scientology and
22 maintain high ethical standards in a widespread
23 international network of churches. This followed a
24 series of Sea Org inspections that discovered that the
25 Guardian's Office (which had been established in 1966
26 to protect the Church from external attacks and care
27 for its legal matters) had become entirely autonomous
28 and corrupt. The Guardian's Office had been

1 infiltrated by individuals antithetical to Scientology
2 and had become an organization that operated completely
3 apart from the day-to-day activities of the Church.
4 Their secret actions in violation of Church policy had
5 resulted in eleven members being jailed for obstruction
6 of justice. Sea Organization executives overthrew the
7 Guardian's Office and disbanded it. Part of the
8 measures taken to ensure a similar situation could
9 never recur was the formation of the Religious
10 Technology Center on 1 January 1982. L. Ron Hubbard
11 bestowed the trademarks of Scientology to RTC, whose
12 purpose is to safeguard the proper use of the marks and
13 ensure they remain in good hands and are properly used.

14 42. Vaughn Young calling the dismantling of the GO
15 "cosmetic" is the functional equivalent of someone referring to
16 World War II as a "tiff." He wasn't where the dismantling
17 occurred, he doesn't know what happened, and he has no clue.

18 43. It is important to point out how far from the actual
19 practice of Scientology the GO had departed and to point out the
20 reason that Young is attempting to trivialize the purge of the
21 GO. Unless Young characterizes the GO dismantling as "cosmetic,"
22 he cannot argue that his allegations of what he calls "Fair Game"
23 continued to be committed after the GO was eradicated. It is a
24 standard ploy for opposing litigants to point to the GO and
25 allege "Fair Game" being practiced today on the basis of what the
26 GO did thirteen or more years ago. In Young's "Fair Game"
27 accusations, he is merely trying to stigmatize the Church today
28 by dredging up the type of illicit activity in which the GO

1 indulged and falsely ascribing it to the people who are
2 responsible for ridding Scientology of the GO. What the GO did in
3 the 1970's was not pursuant to "Fair Game." One should call
4 their actions by the precise term that describes them: illegal.
5 But which side was Vaughn Young on during the early 1980s when
6 all of this criminal conduct came to light? I was cleaning out
7 the GO; Young was in the GO. We became aware of the acts of the
8 Guardian's Office and were more horrified by the GO and its
9 crimes than law enforcement officials and others outside the
10 Church. Eleven people were indicted by the authorities; we
11 discharged 800 GO staff. There isn't one iota of evidence
12 concerning my involvement in any GO activities, or that of any
13 other current Church executive. None of us had any involvement in
14 the GO other than to obliterate it forever. Moreover, there isn't
15 one iota of evidence that any current Church staff or executive
16 ever engaged in any conduct reminiscent of the GO.

17 44. Once the Guardian's Office was disbanded there was much
18 that needed to be done to deal with the legal and public
19 relations matters that had been mishandled by that office for so
20 many years. The years of neglect and the GO's destructive acts
21 had put the Church in a position where it was repeatedly being
22 attacked in civil cases, and even the Founder of the religion was
23 being pulled into these suits, despite the fact that he had no
24 connection with any of the claims or acts alleged by civil
25 litigants.

26
27 **FORMULATION OF AUTHOR SERVICES**

28 45. Mr. Hubbard took no part in the disbanding of the GO or

1 removal of Mary Sue Hubbard. In fact, the first he heard of it
2 was five months after the initial purge, in July of 1981. While
3 he had been out of communication and uninvolved in Church
4 activities for the previous two years, he had engaged in further
5 researches on Dianetics and Scientology. More relevant, however,
6 was that he had also, for the first time since the release of
7 Dianetics in 1950, resumed his writing of fiction. Mr. Hubbard
8 understood that the representation of these works and their
9 publication could not be handled within the Church. Accordingly,
10 in 1982, Author Services was formed to manage the personal
11 affairs of L. Ron Hubbard including his literary, financial and
12 legal matters. As I was held in some regard by Mr. Hubbard, I
13 was given the opportunity to be part of this new endeavor.
14 Beginning in 1982, I devoted my full time and attention to Mr.
15 Hubbard's personal affairs from my position as Chief Executive
16 Officer of Author Services. Young's contention that I was
17 somehow managing all Scientology Churches internationally at the
18 same time that I was supervising Mr. Hubbard's affairs is
19 preposterous.

20

21 **FALSE ALLEGATIONS AS A LITIGATION TACTIC**

22 46. Since the purge of the GO, I have been repeatedly
23 forced to deal with the points of false allegations that Mr.
24 Young has made here, as well as other lies circulated by a
25 handful of the very individuals I had kicked out. I have become
26 the target of attack for the activities of the very individuals I
27 purged from the Church. In this litigation, Fishman has made
28 numerous allegations about my "involvement" in his criminal

1 enterprise. These allegations are not only false, but resulted
2 in his criminal conviction. Vaughn and Stacy Young have littered
3 the record of this matter further by giving "expert" testimony to
4 support Fishman's allegations by stating, "they might have
5 occurred" based on the acts of the old GO. This is not the first
6 time this tactic has been used as a litigation ploy to harass me
7 and divert the Court's attention from the actual facts in
8 litigation. Each time similar allegations have been raised in
9 the past, however, I have been completely vindicated.

10 47. The first bizarre episode -- of which Mr. Young is
11 aware, but of which he makes no mention -- illustrates Mr.
12 Young's knowledge of the tactic of generating false allegations
13 as a litigation ploy. This particular episode led to an FBI
14 investigation and a bogus lawsuit, but ultimately led to complete
15 exoneration of me. Shortly after I became Chief Executive
16 Officer of ASI, a call came in to ASI from a New England-based
17 bank. The phone caller was calling to verify that a check
18 supposedly signed by Mr. Hubbard should be cleared. After
19 ascertaining that the check was not valid, I stopped payment on
20 it in my capacity as the Chief Executive Officer of Mr. Hubbard's
21 personal, business and literary agency. The matter of this
22 forged check, however, assumed even greater proportions when a
23 so-called "probate" action was commenced against the "estate" of
24 L. Ron Hubbard.

25 48. The probate action was filed by a Boston-based
26 personal injury attorney who induced Ron DeWolfe (L. Ron
27 Hubbard's estranged son who had long since been written out of
28 his will), to claim that Mr. Hubbard's estate was being looted

1 and that DeWolfe should be appointed to "protect it." This
2 Boston attorney was the same one who had pending literally dozens
3 of damage suits naming Mr. Hubbard and which portrayed the Church
4 and the religion's Founder in the most outrageous and prejudicial
5 manner imaginable. Yet, suddenly, in the probate action, that
6 lawyer was suing to "protect" Mr. Hubbard's estate.

7 49. To buttress the false claim that Mr. Hubbard's estate
8 was being looted, DeWolfe and his lawyer made reference to the
9 forged check mentioned above. I had no idea how they were aware
10 there had been an attempt to pass a forged check on Mr. Hubbard's
11 account. Upon examining the facts we were able to develop, we
12 learned that the bank had informed the FBI about the forged
13 check, and that the first and only person the FBI contacted for
14 information was this same Boston attorney, who told the FBI that
15 I, one of Mr. Hubbard's closest and trusted friends, was the most
16 likely candidate to have committed the forgery! As a result, I
17 became the target of an FBI investigation, even though I had been
18 the one who stopped payment on it when I was alerted to the
19 check's existence. Eventually, the entire probate case was
20 dismissed and I was cleared of any involvement with the forgery.
21 Nonetheless, I had been unjustly subjected to negative press in
22 all manner of media publications literally all over the world.
23 Furthermore, this incident of the forged check and the probate
24 case marked the emergence of a new litigation tactic, one that
25 Vaughn Young and Geertz's counsel are trying to exploit here.

26 50. Upon the dismissal of the probate action, DeWolfe's
27 attorney announced that his "real" purpose in bringing the
28 probate action had been to force Mr. Hubbard out of seclusion so

1 he could be served in the civil damages cases filed by DeWolfe's
2 lawyer. The idea was simple. Aware that Mr. Hubbard wanted to
3 maintain his privacy and seclusion, the lawyer would notice
4 Mr. Hubbard's deposition as both an individual and as a "managing
5 agent" of the Church. Default or settlement then would follow a
6 managing agent finding and non-appearance. This ploy was
7 particularly effective since Mr. Hubbard went completely out of
8 touch with any and all Church entities from May of 1984, until he
9 passed away in January of 1986. Even if they had so desired, the
10 Church was literally incapable of presenting Mr. Hubbard for
11 deposition to give testimony to end this ruse. Vaughn Young knew
12 that Mr. Hubbard was not in communication with the Church during
13 the time that ploy was being pursued. Vaughn Young also knew
14 this litigation tactic, and his knowledge of it is evident in
15 this case. It is precisely what is happening here, except
16 Young's false claims of managing agent of the Church status are
17 directed at me.

18 51. I am not L. Ron Hubbard, nor am I in seclusion. I am
19 visible and I testify. Most of all, as set forth in detail
20 above, I am not CSI's managing agent, and Vaughn Young's attempt
21 to characterize me as such collapses from the weight of his
22 ignorance of the corporate, tax, legal and financial structures
23 of RTC, CSI, and every other Church-related organization.
24 Ironically, this tired litigation tactic was finally put to rest
25 with respect to L. Ron Hubbard hours before his death on January
26 24, 1986, when Judge Mariana R. Pfaelzer definitively ruled that
27 L. Ron Hubbard was not the managing agent of any church. A copy
28 of that order is annexed as Exhibit A.

1 52. Next, I was subjected to a two and a half year criminal
2 investigation by the Internal Revenue Service. Ironically, the
3 very people I had kicked out of the GO exploited the government's
4 concern over acts the GO had committed to make me the target of
5 an investigation based on the very acts they had committed. Of
6 course they didn't make their previous associations with the GO
7 known. In fact, the IRS's Criminal Investigation Division
8 ("CID") was based on specious allegations filed in civil
9 litigation and spread in the media. The thrust of the
10 investigation was an alleged criminal conspiracy begun in 1966 to
11 impede the Internal Revenue Service. I was the primary target of
12 this investigation even though I was only six years old when I
13 began the "conspiracy."

14 53. The CID's massive investigation was ultimately rejected
15 outright by the Justice Department. However, the IRS dossier on
16 me, an accumulation of over 100,000 pages of documents -- the
17 largest in the Service's history -- was filled with falsehoods
18 from a handful of bitter former Scientologists and ex-GO like Mr.
19 Young. It contained the same allegations that have been
20 repeatedly disproved, but which are nevertheless being made again
21 in this case.

22 54. For example, Mr. Young repeats the allegations made by
23 Gerry Armstrong that the Church practices "Fair Game" and that
24 Gerry Armstrong was in "fear of his life." To bolster the
25 validity of this allegation, Vaughn Young refers to the
26 Breckenridge decision. What Mr. Young fails to disclose,
27 however, is the fact that following that opinion, Armstrong was
28 proven a liar. In a police-sanctioned investigation, Gerry

1 Armstrong was captured on video tape acknowledging his real
2 motives, namely a plot to overthrow the Church leadership and
3 gain control of the Church. On those very video tapes, Armstrong
4 acknowledges he not only isn't "afraid," but that he "will bring
5 the Church to its knees." While plotting his overthrow attempt
6 he gives advice that the Church should be accused of various
7 criminal acts. When told no evidence exists to support such
8 "charges," he responds, "just allege it." It should be noted
9 that while Gerry Armstrong had been an "informant" during the IRS
10 criminal investigation, based on these tapes and statements, the
11 IRS dropped him as a witness, thereby repudiating his
12 credibility. Vaughn and Stacy Young were fully aware of these
13 facts as Stacy wrote the cover story in Freedom Magazine that
14 exposed Armstrong's plot.

15 55. The steady barrage of such falsehoods poisoned the IRS
16 with respect to the Church generally and me personally. Years
17 later, IRS Internal Security agent Keith Kuhn filed a declaration
18 in several cases, falsely accusing me of threatening another IRS
19 agent with whom I had never spoken in my life. That declaration
20 was stricken as unsupported and scurrilous, and the IRS was
21 ordered by Judge Keller of this Court to pay sanctions for having
22 filed it at all. [Ex. B, Order and transcript, Church of
23 Scientology of California v. IRS, No. CV 90-5638 WDK (C.D.Cal.)]

24 56. The attempts to harass me in litigation have extended
25 to creating not just false allegations, but false documents as
26 well. In 1984, a former staff member, who was employed by a
27 splinter group that was seeking to pull Scientologists away from
28 the Church for the splinter group's profit, created a forged

1 document entitled SMASH THE SQUIRRELS which was allegedly written
2 by me and which purported to show that I intended some form of
3 harassment towards apostates of Scientology. One would normally
4 ignore such wild incidents, except this document was continuously
5 used against me in litigation, most particularly to prevent me
6 from gaining access to government files on me. I have had to
7 fight this issue for years and only last year was this matter put
8 to rest. This document was recently examined in a Freedom of
9 Information Act case, Miscavige v. IRS, No. CV 88-7341 TJH
10 (C.D.Cal.) by Special Master Jack Tenner, who found that it was,
11 in fact, a forgery and could not be used in court. That decision
12 was affirmed by Judge Hatter of this Court. [Ex. D, Order of
13 Judge Hatter.] Even though this document has been ruled to be a
14 forgery, Geertz's attorneys have now referred to it and seek to
15 use it in this case as if it were real.

16 57. Perhaps the most telling indication that the allegations
17 made by Mr. Young and other apostates regarding corporate and
18 financial affairs of various Church entities are false, is the
19 recent recognition of the tax exempt status of all Scientology
20 Churches in the United States by the IRS. This recognition of
21 exemption followed the most exhaustive review of financial
22 records and corporate structure of any exemption application ever
23 filed. That process is described in detail in the accompanying
24 declaration of Monique E. Yingling. [Ex. C.] As part of the
25 exemption process, the IRS also considered and rejected virtually
26 all of the same allegations that are now being made against me in
27 this case. These discredited and untrue charges should not have
28 to be dealt with time and time again. After the most extensive

1 review in IRS history, to have uninformed apostates
2 second-guessing the IRS's determination, and regurgitating false
3 claims that the IRS and Courts have rejected again and again,
4 putting me in the position of defending against the same old
5 allegations, is ludicrous! This has to end somewhere, as it is
6 not just wasting my time, but the Court's time as well. All the
7 while further false accusations are made that the Church likes
8 litigation. Magistrate Tassopoulos stated on January 4, 1994,
9 "You know you people enjoy the fight..." To the degree this
10 statement is directed at me, she is just wrong. I despise
11 litigation and in fact know of no Scientologist who enjoys it.
12 However, we have been forced to defend ourselves because of
13 unfounded allegations the courts seem too willing to accept or
14 which they are incapable of preventing.

15
16 **THE YOUNGS' LACK OF KNOWLEDGE OF SCIENTOLOGY CORPORATE MATTERS**

17 58. Putting aside Mr. Young's familiarity with the tactic
18 of maligning the Church and me as a litigation weapon, I simply
19 do not understand from where Mr. Young purports to derive his
20 self-proclaimed "expertise" about Scientology as a religion, or
21 about the corporate, legal, or financial affairs of RTC, CSI, or
22 any other Scientology organization. I know Mr. Young, having
23 worked with him briefly on specific projects in 1981 and 1983,
24 and once held him in some personal regard. He never occupied any
25 position of corporate or ecclesiastical authority in any Church
26 or in ASI, and certainly did not have any significant personal
27 exposure to how the corporate or ecclesiastical structure of
28 Scientology is established or how it works. He cannot claim any

1 personal knowledge in that regard since July of 1989. At no time
2 did he occupy any "inner circle" in Scientology leadership and,
3 in candor, he was never in any position to have any knowledge of
4 what I do or how I do it. To that I must add that despite his
5 outrageous claim to the contrary, I never in my life laid a
6 finger on Vaughn Young, let alone beat him unconscious or
7 otherwise, as he claims. Indeed, this allegation only surfaced
8 once he attempted to enmesh me in this case. It is absurd on its
9 face for Mr. Young to have omitted this alleged incident from his
10 earlier affidavits which purportedly cited the reasons "why he
11 left the church." In my mind, his need to invent complete lies
12 such as this reveal that his motives are personal, his character
13 is spiteful, his aim is money, and his means to those ends know
14 virtually no limits.

15 59. Vaughn Young completely misstates my relationship to
16 the plaintiff Church of Scientology International. Young claims
17 that I somehow direct, manage and control every facet of CSI's
18 operations and activities. This also is ludicrous. CSI has well
19 over a thousand staff members who deal with international
20 promotion and dissemination efforts, evaluate situations in
21 Scientology churches around the world, and provide plans and
22 programs that give guidance to these churches. This is the
23 activity of international and middle management of CSI, which has
24 an entirely different purpose and sphere of activity than RTC.
25 My job as Chairman of the Board involves many functions, but does
26 not include management of CSI or any other Scientology church. I
27 do not create corporate strategy nor do I direct or manage the
28 personnel of CSI. I do not remove CSI's directors or officers. I

1 do not run CSI or its executives. Anyone who would testify to
2 the contrary is either uninformed or untrustworthy.

3 60. The Youngs have chosen not only to malign me
4 personally, but also to attack the very religious beliefs and
5 practices which they once professed to follow. Although the
6 religious nature of Scientology has been recognized by courts and
7 administrative bodies throughout the world for decades, the
8 defendants and their witnesses are attempting to enter the
9 constitutionally forbidden area of judicial evaluations of
10 religious tenets by placing the meaning and efficacy of religious
11 beliefs and practices of Scientology on trial. Deliberately
12 distorted interpretations of Scientology religious doctrine have
13 been filed in this Court concerning Scientology concepts such as
14 PTS Type 3 and Black Dianetics. At the same time, defendant
15 Steven Fishman has also invented entirely fictitious terms such
16 as "EOC," and claimed that they are part of Scientology. They
17 are not. His claim that there is anything in the Scientology
18 religion that even resembles a directive to commit murder or
19 suicide is as outrageous as it is ridiculous. These are all
20 total misrepresentations of religious doctrine made by people who
21 are not in the least qualified to make doctrinal judgments. I can
22 say categorically that "EOC" does not exist in Scientology, and
23 the concept ascribed to it in this case by the defendants is
24 false and scandalous.

25 61. Young tries to gain credibility by stating he was one
26 of maybe ten people summoned to Mr. Hubbard's ranch when he
27 passed away. He was not the first to be called, but arrived with
28 a cook, a carpenter, gardeners, and a guard. More importantly,

1 the press on LRH's passing away was not handled from the ranch.
2 Vaughn Young was at the ranch to deal with any local inquiries
3 and with the neighbors and farmhands who had been friends of Mr.
4 Hubbard, and he worked under the guidance of another ASI staff
5 member.

6 62. Young also mentions Pat Broeker, and attempts to
7 position Broeker as someone who had power and legitimacy within
8 the Church structure. Young, who never held a senior management
9 position during the entirety of his time in the Church, falsely
10 claims that there was a power struggle between Broeker and me
11 after the death of L. Ron Hubbard. This assertion demonstrates
12 Young's lack of knowledge of the actual corporate structure of
13 the Church. Pat Broeker was neither an officer nor a director
14 nor a trustee of Religious Technology Center, CSI or any other
15 Church corporation. It was only an ignorant and destructive
16 few, such as Vaughn Young and Vicki Aznaran, who ever believed or
17 supported Broeker's claims to authority. No removal of Pat
18 Broeker occurred or was necessary. He simply did not hold any
19 position in any Church corporation. Vicki Aznaran, on the other
20 hand, was removed from her position as President and Inspector
21 General of RTC. She herself has testified to the reasons for her
22 removal -- employing an ex-GO staff member involved in criminal
23 acts and allowing false Church scriptures to be presented as
24 authentic writings of Mr. Hubbard, when she knew they were not.

25 63. All of the foregoing should be viewed in the context of
26 Scientology being a new, evolving religion. Although
27 unfortunate, all emerging religions in history have gone through
28 a period of turmoil, especially following the death of its

1 Founder. Scientology is no exception. However, we have entered
2 into an extended period of calm and expansion since these
3 upheavals in the 1980s. The resolution of the long-standing
4 conflict with the IRS is perhaps the best indicator of this.

5
6 **"OF AND CONCERNING" CSI**

7 64. The only issue mentioned by the defendants in
8 connection with taking my deposition which is even arguably
9 relevant to this case is the so-called "of and concerning" issue.
10 That can be disposed of in a few sentences. When a person makes
11 a statement about "Scientology" or the "Church of Scientology,"
12 the most reasonable conclusion is that the reference is to CSI.
13 CSI is the Church corporation that is viewed as "Scientology" by
14 the public at large. Major Scientology publications found in
15 public bookstores regularly contain introductory remarks from
16 CSI. For example, the book What is Scientology?, which has just
17 recently been distributed in paperback around the country, has an
18 introduction from CSI. Freedom Magazine, which Stacy Young tried
19 to sever from the Church, proudly states that it is published by
20 CSI. Likewise, when a Scientology spokesman is wanted by the
21 media for virtually anything about "Scientology" or the "Church,"
22 they routinely contact CSI. When the IRS recognized CSI as tax
23 exempt and established a group exemption so that new churches
24 could immediately become tax exempt on the authority of the
25 Mother Church, it was CSI to whom the group exemption authority
26 was given. It certainly is reasonable for the public to
27 understand statements about "Scientology" and the "Church" as
28 referring to CSI.

1 CONCLUSION

2 65. The thrust of the declarations filed by Vaughn and
3 Stacy Young is that the allegations made by Fishman should be
4 believed. This is remarkable in itself since the Youngs have
5 apparently never met him and never knew him. They appear
6 completely willing to accept this convicted felon at face value,
7 although he served a prison sentence for obstructing an FBI
8 investigation of his financial scam, by telling the same lies
9 about the Church that he is telling this Court. The Youngs
10 devote pages to descriptions of a "Fair Game" policy that no
11 longer exists. Yet they are silent as to their own experiences
12 between the time they left the Church in 1989 and the time they
13 began their careers as paid for hire witnesses. What did happen
14 after they left the Church? There was no harassment. They were
15 free to leave, which they did. We got on with our lives and paid
16 them no attention. Now, nearly five years later, they have
17 resurfaced, making outrageous accusations and participating in an
18 effort to resurrect in this case the tactics of the GO of which
19 Vaughn Young was once a part. The conclusion that necessarily
20 flows from those facts is that the only reason that the Youngs
21 feel safe enough to make their outrageously false allegations of
22 bad conduct and harassment against the Church and me is because
23 they know there will be no "Fair Game" retaliation, thanks to my
24 kicking out the GO and putting a permanent end to their abuses.

25 66. Since 1981, I have heard this allegation of Fair Game
26 literally thousands of times. Yet, I had never even heard the
27 term until I saw it used in civil litigation, and to this day
28 have never once heard the term used within the Church. Nor have

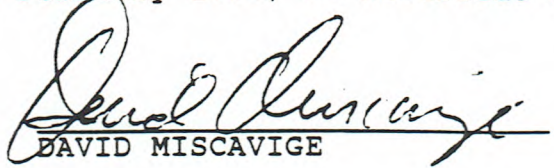
1 I ever heard, even from civil litigants, anything actually done
2 to them. Its use is strictly as a smear tactic when one has no
3 act to point to. Vaughn and Stacy Young know the trick and since
4 they know the truth about the use of this tactic against
5 Scientology, I find their declarations particularly disingenuous.

6 67. The foregoing represents what testimony I believe I had
7 to give in this case had Geertz's counsel not refused to take the
8 deposition of me that he persuaded the Magistrate Judge to order.
9 The essence of the matter is this -- I do not know Fishman and I
10 do not know Geertz, and as to my knowledge of either of them,
11 either before or after the Time magazine article, it is nil.
12 Having no basis to seek my testimony in this case, Geertz's
13 counsel resurrected the same tactics that adversaries have
14 employed for years in litigation involving the Church, namely the
15 employment of hired guns like Vaughn and Stacy Young, to make
16 allegations about matters of which they know nothing. Unlike the
17 Youngs, I know the facts about the matters they address. Unlike
18 the Youngs, I was there. Their self-proclaimed and completely
19 non-existent "expertise" is a disingenuous litigation tactic in
20 pursuit of harassment, and that "expertise" is shown to be
21 fiction crafted for hire and evidence of nothing. The GO was
22 disbanded with finality and the criminals within were forever
23 banished. The IRS attacks were brought to a conclusion with
24 finality. I did those things; the Youngs did not. I know those
25 facts; the Youngs do not. The Youngs present nothing but dusted-
26 off, discredited allegations that cannot withstand scrutiny. I
27 have provided the Court with an accurate, first-hand account of
28 the facts.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2th day of February 1994, at Riverside County, California.


DAVID MISCAVIGE

1 JOSEPH A. YANNY, ESQ.
JOHN T. JACOBBS, ESQ.
2 HERZIG & YANNY
1900 Avenue of the Stars, Suite 1520
3 Los Angeles, California 90067

4 MICHAEL I. LEVANAS, ESQ.
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5 RANDOLPH AND LEVANAS
2566 Overland Avenue, 7th Floor
6 Los Angeles, California 90064
Telephone: (213) 559-8150

FILED
JAN 24 1986
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY

7 Attorneys for Plaintiffs and Counterdefendants
8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 RELIGIOUS TECHNOLOGY CENTER, et al.,)
12 Plaintiffs,)
13 vs.) No. CV 85-711-MRP
14 ROBIN SCOTT, et al.,) ORDER ON PLAINTIFFS'
15 Defendants.) MOTION FOR
16 AND RELATED COUNTERCLAIMS) RECONSIDERATION
OF MAGISTRATE BROWN'S
RULING

17 By notice of deposition dated August 21, 1985, and
18 served by mail August 23, 1985, Defendants noticed for
19 September 16, 1985, the deposition of L. Ron Hubbard in his
20 alleged capacity as an officer, director, or managing agent
21 of Plaintiffs. Mr. Hubbard did not appear for this
22 deposition. Instead, Plaintiffs moved for a protective
23 order stating that they have no obligation to produce L.
24 Ron Hubbard, an unserved party to this action, for
25 deposition pursuant to Rule 30 because he is not an officer,
26 director or managing agent of any of the Plaintiffs.
27 Defendants, by cross motion, sought, in the alternative,
28

1 either to compel the deposition of Mr. Hubbard or to have
2 invoked the ultimate sanction of dismissal of Plaintiffs'
3 pleadings.

4 Magistrate Brown denied Plaintiffs' Motion for a
5 Protective Order and granted Defendants' Motion to Compel
6 the testimony of Mr. Hubbard. Magistrate Brown ordered that
7 Mr. Hubbard appear for his deposition at 10:00 a.m. on
8 December 6, 1985, at the offices of attorney Gary M.
9 Bright, 18 Marine Center Building, Santa Barbara Breakwater,
10 Santa Barbara, California.

11 On November 29, 1985, Plaintiffs filed a Motion for
12 Reconsideration of Magistrate Brown's ruling. The Motion for
13 Reconsideration has been fully briefed and the Court has
14 considered all briefs and declarations submitted to
15 Magistrate Brown and to this Court, as well as the oral
16 arguments of counsel presented at a hearing before this
17 Court on January, 21, 1986. The Court has also examined the
18 issues involved in this case as revealed in the pleadings,
19 discovery and declarations on file. The Court has also
20 considered the evidence adduced at an evidentiary hearing
21 on the issuance of a Preliminary Injunction in the related
22 case of Religious Technology Center, et al., v. Larry
23 Wollersheim, et al., United States District Court, Central
24 District of California, No. CV 7197-MRP. On the basis
25 thereof, the Court rules and orders as follows:

26 1. The Defendants have failed to sustain the burden of
27 showing that the information sought to be obtained through
28 the proposed deposition of L. Ron Hubbard is relevant to

1 the subject matter involved in the pending action, or that
2 the information sought is reasonably calculated to lead to
3 the discovery of admissible evidence.

4 2. Although there is evidence that L. Ron Hubbard is
5 the Founder of the religion of Scientology and is accorded
6 reverence and respect by Scientologists, Defendants have
7 failed to sustain the burden of showing that L. Ron Hubbard
8 has been an officer, director or managing agent of any
9 corporate Plaintiff at any time relevant under Rule 30
10 F.R.C.P., or during the period commencing with the so
11 called Robin Scott theft in Denmark on December 9, 1983 to
12 the present.

13 3. It is ORDERED that the Plaintiffs Motion for
14 Reconsideration of Magistrate Brown's ruling is allowed and
15 that, upon such reconsideration, the Plaintiffs' Motion for
16 a Protective Order that such deposition not be taken is
17 allowed and the Defendants' motion, in the alternative,
18 either to compel the deposition of Mr. Hubbard or to invoke
19 the ultimate sanciton of dismissing Plaintiffs' pleadings
20 is denied.

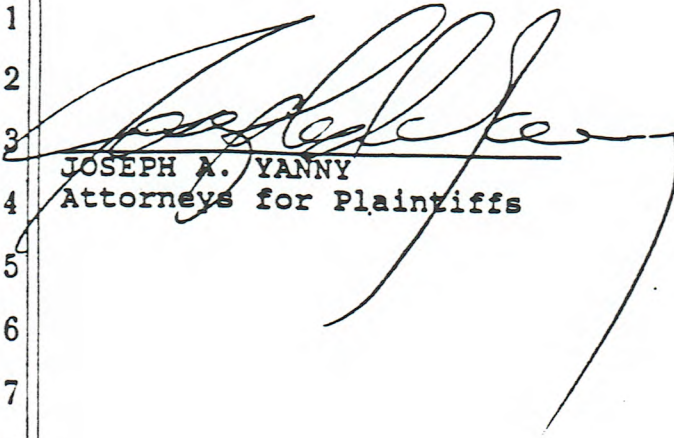
21 IT IS SO ORDERED this 24 day of January, 1986.

22
23 ~~MARIANA R. PFAELZER~~

24 MARIANA R. PFAELZER
25 DISTRICT COURT JUDGE

26 PRESENTED BY:
27 HERZIG & YANNY
28

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JOSEPH A. YANNY
Attorneys for Plaintiffs

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing _____

_____ and know its contents.

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner _____ a _____ of _____

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for _____

a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

Executed on _____, 19____, at _____ California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT
(other than summons and complaint)

Received copy of document described as _____

on _____ 19____

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of Los Angeles _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On 24 January _____ 1986 I served the foregoing document described as
ORDER ON PLAINTIFFS' MOTION FOR RECONSIDERATION

_____ on _____
in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at: _____

addressed as follows:

BRIGHT & POWELL
18 Marine Center Building
Santa Barbara, Ca. 93109

MICHAEL J. TREMAN, ESQ.
105 East De La Guerra Street
Santa Barbara, Ca. 93103

(BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail.
Executed on 24 January _____, 1986, at Los Angeles _____, California.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
Executed on _____, 19____, at _____, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

John B. Treman
Signature

JUN 18

FILED
JUN 17 1991
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY)
OF CALIFORNIA,)
)
Plaintiff,)
)
v.)
)
INTERNAL REVENUE SERVICE,)
)
Defendant.)

CV 90-5638-WDK

ORDER

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP. RULE 77 (d).

Plaintiff's motion to strike the Declaration of Keith Alan Kuhn (the "Kuhn Declaration") and Plaintiff's motion for sanctions against the Internal Revenue Service (the "IRS") were heard by telephone on June 5, 1991.

Defendant filed the Kuhn Declaration in support of its motion for summary judgment. Plaintiff filed a motion to strike the Kuhn Declaration, on the grounds it contained scurrilous and hearsay allegations and was unsupported by any competent evidence.

Plaintiff also noticed the deposition of Mr. Kuhn in order to test the assertions in his declaration. The IRS opposed the deposition, and Plaintiff, properly, sought an order of the Court

1 compelling Mr. Kuhn to appear and answer questions regarding his
2 declaration. A telephonic hearing was held on this motion to
3 compel, and the Court gave the IRS the option of either
4 withdrawing the Kuhn Declaration or having Mr. Kuhn submit to a
5 deposition.

6 The IRS chose not to withdraw the declaration, and instead
7 produced Mr. Kuhn for deposition. However, the IRS refused to
8 "authorize" Mr. Kuhn to testify as to any factual matter which
9 did not appear on the face of his declaration and refused to
10 allow him to testify as to whether he even wrote the declaration
11 or had personal knowledge of the facts set forth in the
12 declaration. Accordingly, Plaintiff filed a second motion to
13 compel and a motion for sanctions under FED. R. CIV. P. 11 and
14 37, claiming the truncated deposition of Mr. Kuhn did not comply
15 with the Court's order. In response the IRS attempted to
16 withdraw the Kuhn Declaration from the case.

17 After consideration of the papers filed by the parties and
18 the oral argument held during the telephone conference on June 5,
19 1991, it is **HEREBY ORDERED:**

20 (1) that the Declaration of Keith Alan Kuhn is stricken from
21 the files of the Court because it has not been supported by any
22 competent evidence;

23 (2) that Plaintiff's motion to strike the declaration of
24 Keith Alan Kuhn, which makes specific references to the Kuhn
25 Declaration, and Defendant's opposition to the motion to strike
26 are also stricken and returned to the filing party; and

27

28

1 (3) that pursuant to FED. R. CIV. P. 37 Plaintiff is awarded
2 its reasonable expenses incurred as a result of Defendant's
3 improper refusal to permit the deposition of Mr. Kuhn. The Court
4 finds Plaintiff's reasonable expenses to be \$3,640.40. This
5 figure is calculated as follows: \$569.40 for the deposition
6 transcript, plus, \$571 for travel expenses (roundtrip coach fare
7 from Boston to Washington D.C. - the Court notes that given the
8 frequency of airline service between these two cities an
9 overnight stay was unreasonable), plus, \$2,500 for attorney's
10 fees (the Court finds it is unreasonable that any more than 10
11 hours were incurred to take this deposition, including travel
12 time and preparation, furthermore the Court finds the reasonable
13 rate for Mr. Cooley's services to be \$250 an hour).

14
15 IT IS SO ORDERED.

16
17
18 Date: June 17, 1991

19
20 

21 William D. Keller

22 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3 - - -
4 HONORABLE WILLIAM D. KELLER, JUDGE PRESIDING
5 - - -

6 CHURCH OF SCIENTOLOGY OF
7 CALIFORNIA,

8 Plaintiff,

9 vs.

10 INTERNAL REVENUE SERVICE,

11 Defendant.

COPY

NO. CV 90-5638-WDK

12
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14
15 REPORTER'S TRANSCRIPT OF TELEPHONIC PROCEEDINGS

16 Los Angeles, California

17 Wednesday, June 5, 1991

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23 LORAIN M. DALEY, CSR, RPR
24 Official Court Reporter
25 453 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
(213) 620-9001

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APPEARANCES (VIA TELEPHONE):

In behalf of the Plaintiff:

**BOWLES & MOXON
BY: KENDRICK MOXON
6255 Sunset Boulevard, Suite 2000
Hollywood, California 90028**

In behalf of Defendant:

**U. S. DEPARTMENT OF JUSTICE
MICHAEL J. MARTINEAU
Trial Attorney, Tax Division
6832 Judiciary Center
555 Fourth Street, N.W.
Washington, D.C. 20001**

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, JUNE 5, 1991; 8:40 A.M.

2 (Telephonic Conference.)

3 THE COURT: Good morning. This is Judge
4 Keller.

5 May we have your appearances.

6 MR. MOXON: Kendrick Moxon for the plaintiff.

7 MR. MARTINEAU: Mike Martineau for the
8 Department of Justice on behalf of the defendant.

9 THE COURT: All right. I am not going to
10 repeat the procedural background other than to say that
11 where we are now is that we are addressing the so-called
12 Kuhn deposition.

13 It is my understanding that Mr. Kuhn appeared
14 at the deposition, but was only authorized under the
15 guidance of government counsel to testify to his knowledge
16 of the specific area and only to advise the plaintiff of
17 information that appears on the face of the declaration.
18 As a for instance, there was a question that was asked
19 referred to in plaintiff's motion at page nine:

20 "Question: Okay. Why do you attribute the
21 incident to the Church of Scientology or Scientology
22 official or Scientologist?

23 "Answer: As I said in paragraph two, the
24 common denominator among those employees recording
25 the incidents is the assignment as part of their

4
1 official duties as to Scientology-related cases.

2 "Question: That is it?

3 "Answer: Yes, sir. That is all I am prepared
4 to discuss. That is all I am prepared to discuss."

5 That gives you the problem, Mr. Martineau.
6 That was not what I contemplated in the ordered
7 deposition.

8 Now let me continue for a moment, and I will
9 let you give me some input. What I have just read
10 reflects that Mr. Kuhn was, indeed, going to limit himself
11 very much based upon the directive of the Internal Revenue
12 Service. As a consequence of this conduct, I mean now you
13 have presented to us a motion for sanctions under Rules 11
14 and 37(b)(2). Furthermore, the motion to strike the Kuhn
15 declaration remains before the Court.

16 Clearly, as I said, clearly, the conduct of the
17 deponent was inconsistent with the request for discovery
18 in the Court's order. Therefore, we are remitted to Rule
19 37, which mandates the Court shall award attorneys' fees
20 unless the Court finds that the failure was substantially
21 justified or other circumstances making an award of
22 expenses unjustified.

23 Now, Mr. Martineau, I want to know how you can
24 basically support the presentation, or lack thereof, made
25 by Kuhn at his deposition in view of what gave rise to the

1 deposition?

2 And, number two, if you can't support it, how
3 can you contend that the failure, as stated in Rule 37,
4 was substantially justified or other circumstances make an
5 award of expenses unjustified?

6 Because I am telling you, you are looking right
7 here at sanctions.

8 MR. MARTINEAU:.. Yes, your Honor.

9 Your Honor, Mr. Kuhn was ordered to testify
10 regarding his declaration that was at that time before the
11 Court. And he was prepared to testify to the maximum
12 extent he could based on the authorization -- of the
13 authorization that was generated by the Service to insure
14 that Mr. Kuhn did not disclose the specific names of the
15 IRS employees involved and/or compromise any of the
16 ongoing investigations with respect to the specific
17 incidents in his declaration.

18 The concern of the Service in making that
19 testimony authorization was that that material wouldn't
20 come out in the deposition, and that material was
21 otherwise privileged under the general right of privacy
22 under the investigatory files privilege. At that time --

23 THE COURT: What do you mean "investigatory
24 files privilege"? You know, you cite that in your papers,
25 and you don't give me any authority for that.

1 MR. MARTINEAU: Well, at that time and had we
2 decided not to withdraw the Kuhn declaration, we would
3 have in fact this hearing most likely where we would have
4 a situation where we were litigating or arguing these
5 privileges before the Court. And the Service was prepared
6 to do so at that particular time point in time because
7 they thought those were valid privileges necessary under
8 the circumstances here to assert.

9 THE COURT: But the problem is -- what I asked
10 you is what authority is there for this so-called
11 investigatory privilege that you reference not only in
12 your papers and now? I don't know what support there is
13 for that.

14 MR. MARTINEAU: As I say, we had legal support
15 that we would have asserted had we not decided to withdraw
16 the Kuhn declaration.

17 THE COURT: What is the support? What is the
18 legal support for that contention?

19 MR. MARTINEAU: There is case law that says
20 that certain matters which may compromise an ongoing
21 investigation can be privileged from disclosure at a
22 deposition or other hearing.

23 And we were prepared, as I say, to brief that
24 issue before your Honor had we decided to go ahead with --
25 continue using Mr. Kuhn's declaration in this case. And

1 that was the only rationale for Mr. Kuhn asserting those
2 privileges in his testimony.

3 We do not, your Honor, believe that your
4 Honor's order ordering the deposition to go forward to
5 preclude the government from asserting what it considered
6 to be a valid privilege with respect to that information.

7 THE COURT: Okay. Number one, you still
8 haven't given me any authority. You just keep mouthing
9 there is that privilege.

10 And, number two, your assertion of this
11 investigatory privilege is nonsensical, and I'll tell you
12 why. Because, definitionally, according to you, the
13 Scientologists know exactly who they did this to.

14 MR. MARTINEAU: I am not sure if I follow your
15 Honor. But there are ongoing investigations of those
16 incidents that are set forth there, and to release the
17 information about those would or could compromise the
18 integrity of those investigations. And that was the
19 Service's concern at that time. So, that is the rationale
20 behind that, your Honor.

21 THE COURT: But you didn't object to specific
22 questions. You just gave him a blanket "Don't answer
23 anything."

24 MR. MARTINEAU: Well, no. I think when the
25 questions were directed at the specifics of those

1 incidents, that is when the witness indicated that to give
2 the answers that were specifically asked may compromise
3 those investigations. And that gives rise to the
4 investigatory files privilege, and that is -- again, at
5 that time, we were not prepared or certain that -- had we
6 not decided subsequently to withdraw the declaration.

7 MR. MOXON: Your Honor, may I be heard on that?

8 I can't understand. I think that the Court is
9 exactly right. That if we are alleged to have done
10 something to some individuals, how can you intimidate some
11 person if you don't even know who it is. It is an
12 internally inconsistent argument. They claim we harassed,
13 but we can't tell you who it is who you harassed because
14 we if try to cross-examine, you will find out the whole
15 thing is a frivolous sham.

16 That is why we filed the motion to strike in
17 the first place, because the declaration is based on
18 hearsay allegations, which we spent months and months
19 telling them they were utterly false. They wouldn't give
20 us any -- they kept making the allegations to the Court,
21 and they were so scandalous. We had to file a motion to --
22 a motion to strike and everything else.

23 So, I just can't understand that argument. I
24 don't understand how they can make it now. Furthermore,
25 they never made any argument previous to the Court

1 claiming there was some privilege. They had two
2 opportunities in the two prior motions to argue some
3 privilege, to argue some reason why Kuhn couldn't testify.
4 They didn't do that. They didn't do it the first time
5 when we filed our original motion, and they didn't do it
6 the second time when we moved to compel the deposition.
7 They didn't raise it at the last hearing before the Court
8 either. This is the first time that they are raising that
9 argument, the first time after the Court told them they
10 could yank it if they didn't want to go through with the
11 deposition, but they still didn't make that argument.

12 MR. MARTINEAU: Your Honor, may I be heard on
13 that?

14 Normally when -- you can't anticipate a
15 question or anticipate an assertion of a particular
16 privilege. You have to go to the deposition. If a
17 certain question is asked, then a privilege is asserted.
18 So, I don't think procedurally you can anticipate that.
19 Which is why, you know, Mr. Moxon I don't think is correct
20 on that. We didn't know ahead of time, and you don't know
21 that. So, you have to wait until the question is asked,
22 and then you assert it. And that is how it rises
23 procedurally. So, I don't think that is a valid argument.

24 The point is again, your Honor, that at that
25 time the Service was prepared to litigate, if necessary,

1 those privileges and otherwise testify to the best of Mr.
2 Kuhn's ability to answer the questions that were presented
3 to him.

4 And, again, that is now not the case because
5 subsequently the declaration has been withdrawn and,
6 therefore, the government's position is that sanctions are
7 not warranted here. We have withdrawn the declaration.
8 We are not going to use it. We are going to rely on the
9 other evidence that we already have before the Court.

10 THE COURT: Well, you have got this reference
11 by counsel for the Scientologists. It is the Ninth
12 Circuit's characterization of your conduct as harass and
13 moot. And I have got to tell you that there may be moment
14 to your investigation. I don't know. But there certainly
15 is an aroma of a harass and moot approach here.

16 I don't believe -- I don't think the reason
17 that you have given me rises to the justification that is
18 contemplated by Rule 37, nor do I believe there are any
19 other circumstances making an award of expenses
20 unjustified.

21 The attorneys' fees, it seems to me, should be
22 recovered. However, if there were two attorneys there,
23 they are not going to be recovered for the two attorneys
24 absent some extraordinary reason. Mr. --

25 MR. MOXON: I can tell you the reason why we

1 had two attorneys there.

2 THE COURT: Why?

3 MR. MOXON: As you know, our motion to seal
4 this is considered to be an extremely serious matter.
5 There are allegations made of criminal conduct,
6 allegations that could seriously harm the interest of
7 those plaintiffs. It is a religious -- Mr. Cooley was
8 brought in the case because he was very, very familiar
9 with all these negotiations for the past several months
10 with the IRS trying to work out sealing these declarations
11 to the IRS, to do the responsible thing and not file it
12 because it is unsworn and hearsay allegations. So, he was
13 brought in to cross-examine Mr. Kuhn.

14 He was already on the East Coast, so he didn't
15 have to come as far as I did. I came because I had been
16 counsel on the case all along.

17 THE COURT: Why couldn't he have undertaken the
18 deposition with your input? Why did you need to go back
19 there for?

20 MR. MOXON: Because I had been working on the
21 case. I was more familiar with the procedural activity.

22 For example, they brought four attorneys to the
23 deposition.

24 THE COURT: That doesn't make any difference.
25 My experience of late is that there is a horrible

1 over-lawyering going on in the industry for sundry. I
2 shan't hold forth on that issue.

3 MR. MOXON: Well, whatever your Honor feels
4 best. It is certainly up to your discretion, your Honor
5 in terms of how many attorneys get fees and whatever the
6 Court feels.

7 THE COURT: Didn't this attorney in the East,
8 Cooley -- what is his name; Cooley?

9 MR. MOXON: Cooley. Yes, sir.

10 THE COURT: -- since he was negotiating this,
11 wasn't he in possession of the surrounding facts? He had
12 to be in order to negotiate.

13 MR. MOXON: Yes, he was.

14 THE COURT: All right. I am going to give you
15 one attorney fee. That is all.

16 What is the attorney fee you asked for, eight
17 thousand what?

18 MR. MOXON: A total of eight thousand five
19 hundred I put in my declaration. Actually, over nine
20 thousand.

21 THE COURT: Back your fees out of there and
22 give me a new statement of attorneys' fees.

23 What law permits me to award sanctions against
24 the federal government of attorneys' fees?

25 MR. MOXON: Sumitoma, your Honor.

1 THE COURT: That is Ninth Circuit?

2 MR. MOXON: Yes, sir.

3 THE COURT: Mr. Martineau, what is your
4 position in that regard?

5 MR. MARTINEAU: My understanding is that Rule
6 37 would govern this, and I am not certain. I would have
7 to check that, your Honor --

8 THE COURT: Okay.

9 MR. MARTINEAU: -- if the attorneys' fees are
10 awardable. I was under the impression that they could get
11 his expenses for traveling to and from the deposition.
12 But if your Honor would like me to, I would certainly be
13 willing to brief that issue, and if it is appropriate,
14 then certainly I will advise the Court of that, and you
15 can award them to the government.

16 MR. MOXON: I have gotten attorneys' fees three
17 times in the past month against Mr. Martineau's office,
18 and he is well aware of it.

19 THE COURT: Mr. Martineau, you should be versed
20 in this issue in as much as the issue was addressed by
21 counsel in his motion papers. And I think the Sumitomo
22 case does support the award of attorneys' fees, albeit
23 modified as I have indicated. And, so, that is the award.
24 Attorneys' fees and costs associated with the deposition.

25 Now the question becomes whether the

1 declaration is struck or withdrawn. It is struck. That
2 is the order.

3 Now, what do I do about moving this on further?
4 You asked for further deposition and Rule 11 ^{SANCTIONS} ~~sanctions~~. I
5 think there is some moment, albeit not much, to the
6 approach taken by Mr. Martineau, and I don't think it
7 rises to the level of a Rule 11. I don't think it serves
8 any purpose to go with further depositions, Mr. Moxon.

9 MR. MOXON: The reason I wanted a further
10 deposition, your Honor, is because this thing has been in
11 the public record for so long, and we wanted an
12 opportunity to refute it. It is a very scandalous
13 allegation, and because it was raised by the allegations --
14 because of allegations made by the IRS, we felt that we
15 should have an opportunity to publicly say this is wrong;
16 this is just false. And it is some other reason, but
17 these allegations are false.

18 When the federal government makes allegations
19 against somebody, it hits with a lot of impact. It is
20 often all over the press. And the federal government made
21 these allegations that are deemed to be true by the
22 public.

23 THE COURT: There has not been any press on
24 this, has there?

25 MR. MOXON: No, there has not. Not that I have

1 seen.

2 THE COURT: Hold the line a second.

3 (Brief Pause.)

4 THE COURT: Okay, Mr. Moxon.

5 MR. MOXON: Yes. Yes, sir.

6 THE COURT: I tell what I think would
7 accomplish what you want without raising a further ruckus
8 here.

9 MR. MOXON: Okay.

10 THE COURT: I am ordering that the declaration
11 is struck as unsupported.

12 MR. MOXON: Okay.

13 THE COURT: You prepare an order just that
14 succinct. Hearing with respect to the motion to strike
15 the declaration of Kuhn as being scurrilous. However you
16 denominate it. The Court, having heard the argument of
17 counsel and considering the papers, hereby orders that the
18 declaration is struck as unsupported. And that serves
19 your purpose.

20 MR. MARTINEAU: I will prepare such an order.

21 THE COURT: You understand what I am saying?

22 MR. MARTINEAU: Yes, I do.

23 MR. MOXON: You want me to prepare the order;
24 right?

25 MR. MARTINEAU: Okay.

1 THE COURT: I want you, Mr. Martineau -- you,
2 Mr. Moxon -- I am sorry. I want you -- this all has to be
3 by Friday. Okay? And I want you to give me the
4 backed-out attorneys' fees and order in that regard.

5 MR. MOXON: Very good. I will also file a
6 declaration to that effect.

7 THE COURT: What else needs to be done that I
8 haven't ruled on?

9 MR. MARTINEAU: Nothing, your Honor, I don't
10 believe.

11 THE COURT: I want Mr. Moxon to prepare the
12 order, Mr. Martineau.

13 MR. MARTINEAU: Okay. I am sorry.

14 MR. MOXON: One other thing. There are other
15 papers that were filed in connection with the motion to
16 strike, and they will also be stricken? That was also
17 attached to the Kuhn declaration that made reference to --
18 in other words, when we filed our motion to strike the
19 Kuhn declaration, we also attached to the declaration
20 that. That will be struck also?

21 THE COURT: Just indicate in your order what
22 you wish struck.

23 MR. MOXON: Very well. We will do that.

24 MR. MARTINEAU: Thank you, your Honor

25 (End of Proceedings.)

CERTIFICATE

I hereby certify that the foregoing is a true and correct transcript of the stenographically recorded proceedings in the above matter.

Lorraine M. Daley

Lorraine M. Daley, CSR, RPR
Official Reporter

June 18, 1991
Date

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EXHIBIT C

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4

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7

Attorneys for Plaintiff
8 CHURCH OF SCIENTOLOGY INTERNATIONAL
9

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12

13 CHURCH OF SCIENTOLOGY) CASE NO. CV 91-6426 HLH(Tx)
14 INTERNATIONAL, a California Non-)
Profit Religious Organization,) DECLARATION OF MONIQUE E.
15) YINGLING
Plaintiff,)
16)
vs.)
17)
STEVEN FISHMAN and UWE GEERTZ,)
18)
Defendants.)
19 _____)
20

21 I, MONIQUE E. YINGLING, declare and say:
22
23 1. I am an attorney with the law firm Zuckert, Scoutt &
24 Rasenberger, and a member in good standing of the Bar
25 Association of the District of Columbia. I have represented
26 Church of Scientology International ("CSI"), other Churches of
27 Scientology and Scientology organizations in exemption
28 proceedings, litigation and other administrative proceedings

1 with the Internal Revenue Service ("IRS"). I have personal
2 knowledge of the facts set forth herein and, if called as a
3 witness, I could and would testify competently thereto.

4 2. I was first engaged to represent CSI and other
5 Churches of Scientology in early 1986 in connection with
6 applications for tax exemption then pending with the IRS
7 National Office. Through that representation, I became very
8 familiar with the corporate and legal structure and the
9 financial affairs of the Church of Scientology hierarchy and
10 related organizations. My responsibility for these matters
11 continued to increase and by early 1988, I had become lead
12 corporate and tax counsel for CSI. In this role I coordinated
13 with and shared responsibilities with other Church counsel. I
14 worked very closely with Thomas C. Spring, a specialist in exempt
15 organizations tax law, throughout this period.

16 3. In my capacity as lead corporate and tax counsel for
17 CSI, I reviewed virtually all major corporate and tax matters,
18 including proposals for changes in corporate or financial
19 structure, submissions to tax and other government agencies
20 on tax and corporate matters and regularly advised the staff in
21 CSI's legal division and Church executives with respect to tax
22 and corporate matters.

23 4. I acted in a similar capacity with respect to other
24 Churches of Scientology and related organizations. These
25 organizations included, but were not limited to, Religious
26 Technology Center, Church of Spiritual Technology, Church
27 of Scientology Flag Service Organization and Author Services,
28 Inc.

1 5. In my capacity as lead corporate and tax counsel for
2 CSI, I reviewed many of the major financial transactions of CSI
3 and the other organizations named above.

4 6. In my capacity as lead tax and corporate counsel for
5 CSI, I was involved with virtually all administrative tax matters
6 affecting the Church of Scientology hierarchy and related
7 organizations. I also coordinated with other counsel conducting
8 tax litigation matters where the tax litigation was not conducted
9 by me.

10 7. I represented CSI, other Churches of Scientology and
11 Scientology organizations during a series of negotiations with
12 the IRS which resulted in formal recognition of tax-exempt status
13 on October 1, 1993. In recognizing the exempt status of CSI and
14 other United States Church of Scientology organizations, the IRS
15 conducted an exhaustive examination over a two-year period
16 encompassing thousands of pages of documentation submitted for
17 that purpose. The IRS required extensive responses to numerous
18 detailed questions, ranging from questions regarding Church
19 activities and financial affairs to civil litigation and various
20 accusations of Church detractors, including the defendant herein,
21 Steven Fishman. The IRS's extensive queries into the financial
22 structure of the Churches of Scientology hierarchy, services they
23 deliver, the organization of individual Churches, the receipt and
24 disbursement of donations, and a myriad of other detailed
25 inquiries were fully satisfied in the process. The examination
26 by the IRS included the review of balance sheets, bank
27 statements, canceled checks and similar financial information.
28 The IRS's questions sought explanations regarding the most

1 inflammatory accusations and "information" regarding Scientology.
2 In addition to reviewing responses to specific questions, the IRS
3 also toured Church facilities and examined Church documents and
4 activities. Following its exhaustive review, the IRS was
5 satisfied that the Churches and other Scientology organizations
6 are organized and operated exclusively for charitable and
7 religious purposes and recognized their tax-exempt status. In so
8 doing, the IRS acknowledged CSI as the Mother Church of the
9 Scientology religion and recognized the corporate and financial
10 integrity of CSI and each of the other tax-exempt organizations.

11 8. Any assertion that the IRS did not review the Church's
12 activities and operations before recognition of exemption has no
13 basis in fact. Based on my personal experience and the
14 statements of IRS officials, there has never been a more
15 extensive or exhaustive review of the activities and financial
16 affairs of any tax-exempt organization.

17 9. I have continued to serve as lead tax and corporate
18 counsel for CSI and other churches of Scientology and related
19 organizations since my initial assumption of that role in early
20 1988 and continue to serve in that capacity today. Thus, over
21 the past six years I have worked directly with client
22 representatives from CSI and each of the other Scientology-
23 related entities that I have represented, and have had extensive
24 dealings with the executives and staff members who have
25 responsibility for corporate, legal, financial, and management
26 affairs.

27 10. Until the last few months, when they began filing
28 declarations in litigation, I had never heard of either Robert

1 Vaughn Young or Stacy Young. Neither Mr. Young nor Ms. Young
2 ever acted as a client representative for any of the Churches of
3 Scientology or related organizations that I dealt with on
4 corporate, tax, legal or financial matters, including Author
5 Services, Inc. I do not recall ever meeting either Mr. or Ms.
6 Young. Neither attended any meetings at which I was present
7 concerning any Church of Scientology or related organization's
8 corporate, tax, legal or financial matters. To my knowledge I
9 have received no submissions or information or had any
10 communication at all from either Mr. or Ms. Young.

11 11. It is therefore inconceivable to me that either Mr. or
12 Ms. Young played any significant role in the Church of
13 Scientology's corporate, tax, legal or financial affairs at any
14 time in the past six years. Moreover, neither Mr. nor Ms.
15 Young's name ever arose in the context of the corporate, tax,
16 legal and financial matters of prior years which I reviewed in
17 connection with the exemption process.

18 12. The allegations of Steven Fishman and his alleged role
19 in Scientology and its financial affairs were reviewed by the IRS
20 during the recent negotiations, as Steven Fishman's statements
21 had been provided to the IRS. Based on its review of various
22 Church financial records, including those of CSI, the IRS

23 ///

24 ///

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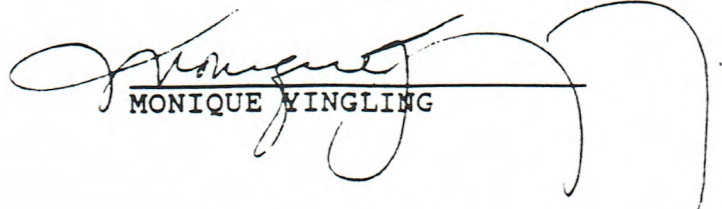
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1 necessarily concluded that Fishman's allegations were baseless,
2 or recognition of exemption would not have ensued.

3 I declare under the penalty of perjury under the laws of the
4 United States of America that the foregoing is true and correct.

5 Executed this ~~7th~~ day of February, 1994, at Los Angeles,
6 California.

7 
8 MONIQUE YINGLING

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1 KENDRICK MOXON
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5 (213) 953-3360

6 Attorneys for plaintiff
7 DAVID MISCAVIGE

8
9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 DAVID MISCAVIGE,) Civil No. 88-7341 TJH(KX)
12)
13 Plaintiff,) ORDER REGARDING
14) DECLARATION OF
15 v.) C. PHILIP XANTHOS
16 INTERNAL REVENUE SERVICE,)
17)
18 Defendant.)
19)
20)
21)

22 In consideration of plaintiff's motion to strike the
23 declaration of C. Philip Xanthos, defendant's opposition and the
24 arguments of the parties, it is hereby recommended by the
25 Special Master as follows:

26 The Master finds that the attachment to the Xanthos
27 declaration, "RE: SMASH SQUIRRELS PJT", is a forgery and that at
28 any rate, the declaration and its attachment constitute a
response to interrogatories which pursuant to Local Rule 8.3,
shall not be filed with the clerk.

The Xanthos declaration, dated June 11, 1992 and its
attachment, which was originally filed on June 17, 1992 and a

1 copy of ~~which~~ is also attached to the ~~plaintiff's~~ evidentiary appendix
2 filed on February 22, 1993 in support of its motions for summary
3 judgment re: Exemption 7 (bates stamped 65-81), are hereby
4 stricken from the clerk's files. The declaration and its
5 attachment are to be removed from the files and returned by the
6 clerk's office to counsel for defendant.

7 Dated: September ~~20th~~ 1993

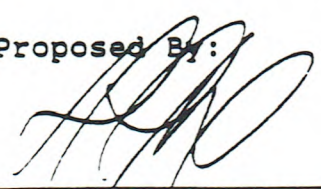
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JACK TENNER
SPECIAL MASTER

12 IT IS SO ORDERED.

13 TERRY J. HATTER, JR.
14 UNITED STATES DISTRICT JUDGE

15 Proposed By:

16 
17

Kendrick L. Moxon
18 Attorney for Plaintiff
19 DAVID MISCAVIGE
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STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party of the within action. My business is located at 6255 Sunset Blvd., suite 2000, Hollywood, CA 90028.

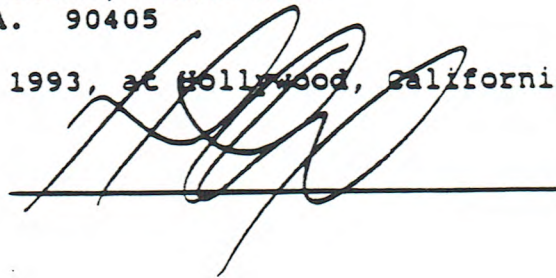
On September 16, 1993, I caused to be served the foregoing document described as ORDER REGARDING DECLARATION OF C. PHILIP XANTHOS on interested parties in this action, by placing the above-referenced document in an envelope, and sending by U.S. mail to the following addresses:

Michael J. Salem
Gerald A. Role
Tax Division, U.S. Department of Justice
P.O. Box 227
Ben Franklin Station
Washington, D.C. 20044

Richard Stack
Assistant United States Attorney
2315 Federal Building
300 North Los Angeles Street
Los Angeles, CA 90012

Honorable Jack Tenner
J.A.M.S.
3340 Ocean Park Blvd., Suite 1050
Santa Monica, CA. 90405

Executed on September 16, 1993, at Hollywood, California.



A handwritten signature in black ink, appearing to be 'M. J. Salem', is written over a horizontal line.


PROOF OF SERVICE BY MAIL

I, PRINCESS V.F. RAMEY, not a party to the within action, hereby declare that on September 20, 1993 I served the attached on the parties in the within action by depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at SANTA MONICA, CALIFORNIA, addressed as follows:

Kendrick Moxon Esq.
Bowles & Moxon
6255 Sunset Blvd., Ste 2000
Hollywood, CA 90028

Gerald Roll Esq.
Department of Justice
P. O. Box 227
Benjamin Franklin Station
Washington, DC 20044

I declare under penalty of perjury the foregoing to be true and correct. Executed at SANTA MONICA, CALIFORNIA on September 20, 1993.



Signature

1 Andrew H. Wilson
2 WILSON, RYAN & CAMPILONGO
3 235 Montgomery Street
4 Suite 450
5 San Francisco, California 94104
6 (415) 391-3900
7 State Bar No.:

8 Laurie J. Bartilson
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13 State Bar No.: 139220

14 Attorneys for Plaintiff and
15 Cross-Defendant CHURCH OF
16 SCIENTOLOGY INTERNATIONAL

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 FOR THE COUNTY OF MARIN

19 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
20 INTERNATIONAL, a California not-)
21 for-profit religious corporation;) DECLARATION OF LAURIE J.
22 Plaintiffs,) BARTILSON AUTHENTICATING
23 vs.) DEPOSITION TRANSCRIPTS,
24) DECLARATIONS, REQUESTS FOR
25) PRODUCTION OF DOCUMENTS,
26) RESPONSES TO REQUESTS FOR
27) PRODUCTION OF DOCUMENTS,
28) MOTION TO COMPEL, AND
29) REPORT AND RECOMMENDATION
30) OF DISCOVERY REFEREE

31 GERALD ARMSTRONG,
32 Cross-Complainant,

33 [C.C.P. 437c]

34 vs.) DATE: September 9, 1994
35) TIME: 9:00 a.m.
36) DEPT: 1
37 CHURCH OF SCIENTOLOGY)
38 INTERNATIONAL, a California)
39 Corporation; DAVID MISCAVIGE;) DISC. CUT-OFF: Aug. 30,
40 DOES 1 to 100;) 1994
41 Cross-Defendants.) MOTION CUT-OFF: Sept. 13,
42) 1994
43 TRIAL DATE: Sept. 29, 1994

44 I, Laurie J. Bartilson, hereby declare:

1 1. My name is Laurie Bartilson. I represent plaintiff,
2 Church of Scientology International in this action, and in the
3 case between these parties currently pending in Los Angeles
4 County Superior Court, Church of Scientology International v.
5 Armstrong, Case No. BC 052395. I have personal knowledge of the
6 facts set forth in this Declaration and could competently testify
7 thereto if called as a witness.

8 2. Attached hereto and incorporated herein are true and
9 correct copies of documents submitted as exhibits in support of
10 Church of Scientology International's Motion for Summary Judgment
11 or in the Alternative Summary Adjudication, as to Gerald
12 Armstrong's Second Amended Cross-complaint:

13 **EXHIBIT A:** Deposition of Gerald Armstrong, taken in
14 Church of Scientology International v. Gerald Armstrong,
15 L.A. Sup.Ct. No. BC 052395, dated July 22, 1992 pp. 267-269;

16 **EXHIBIT B:** Deposition of Gerald Armstrong, Church of
17 Scientology International v. Gerald Armstrong, L.A. Cty.
18 Sup.Ct. No. BC 052395, dated March 10, 1993, pp. 535-536,
19 545;

20 **EXHIBIT C:** Deposition of Gerald Armstrong, Church of
21 Scientology International v. Gerald Armstrong and Michael
22 Walton, et al., Sup.Ct. Cty of Marin No. 157 680, dated
23 March 17, 1994, pp. 79-87;

24 **EXHIBIT D:** Declaration of Graham Berry, dated March 16,
25 1992, and attachment thereto, filed in Church of Scientology
26 International v. Gerald Armstrong, L.A. Cty. Sup.Ct. No. BC
27 052395;
28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

--oOo--

CHURCH OF SCIENTOLOGY INTERNATIONAL,
a California not-for-profit religious
corporation,

**CERTIFIED
COPY**

Plaintiff,

vs.

No. BC 052395

GERALD ARMSTRONG; DOES 1 through 25,
inclusve,

Defendants.

DEPOSITION OF

GERALD ARMSTRONG

Wednesday, July 22, 1992

Volume II, Pages 179 - 293

REPORTED BY: KATHERINE NG, CSR NO. 6350

MARY HILLABRAND INC.

CERTIFIED SHORTHAND REPORTERS

520 SUTTER STREET / off UNION SQUARE SAN FRANCISCO, CA 94102

PHONE 415 / 788-5350 FAX 415 / 788-0657

1 literary works campaigns.

2 Q. What campaigns does it make?

3 A. It is a contributor and possessor of certain
4 rights within the group known as the Runners against
5 Trash and the same within the organization known as the
6 Organization of United Renounciants.

7 Q. What is the Organization of the United
8 Renounciants?

9 A. It is an organization dedicated to the
10 preservation of the world through peaceful means.

11 Q. What have the people in the organization
12 renounced, if anything?

13 A. The people in the organization renounce money.

14 Q. Does that mean that they give away their money?

15 A. They can if they want.

16 Q. Did you give away the money that the Church
17 paid you in settlement?

18 A. Well, I'm, that's not a very well worded
19 question, because I gave away all my assets including all
20 my money.

21 Q. When?

22 A. When? August 1990.

23 Q. Who did you give it to?

24 A. A number of people.

25 Q. Can you tell me who they are?

- 1 A. No.
- 2 Q. Did you give any of it to Michael Walton?
- 3 A. Yes.
- 4 Q. Why did you give it away?
- 5 A. Because I considered that I was guided to do
- 6 so.
- 7 Q. By whom?
- 8 A. The source of all that is.
- 9 Q. Who is that?
- 10 A. God.
- 11 Q. Now, when God guided you to give away all your
- 12 assets, did he guide you to give them to particular
- 13 people or did you make that decision?
- 14 A. I believe that I was guided each step of the
- 15 way.
- 16 Q. Okay. When you say you gave it away, I take it
- 17 you didn't receive anything in return in terms of
- 18 monetary compensation?
- 19 A. Right.
- 20 Q. Can you tell me why you decided to give some of
- 21 it to Michael Walton?
- 22 A. Because it was logical.
- 23 Q. Why?
- 24 A. And because it was so guided.
- 25 Q. Can you tell me what about it was logical?

1 A. I guess initially it's logical because he was a
2 friend of mine in close proximity to me, and I believed
3 that he had a need at that time.

4 Q. Okay. What did you give him?

5 A. I decline to comment to answer that. I don't
6 see how it fits into this, other than the fact that I
7 gave everything away.

8 Q. I won't press that at this point, but it will
9 be relevant.

10 Q. What did you have in August of 1990 that you
11 gave away?

12 A. Cash, property, stock, rights and debts owed to
13 me.

14 Q. Okay. Let's start with the cash. How much
15 cash did you give away?

16 A. I don't think that that's appropriate for me to
17 get into. I decline to answer.

18 Q. Well, I'll tell you why it's relevant. And if
19 it isn't, it can be made relevant by the complaint.
20 Under the Fraudulent Conveyance Act, fraudulent
21 conveyances are defined in a number of ways, including
22 transfers without considerations, which these are by
23 virtue of Mr. Armstrong's testimony.


24 A. By which you mean therefore every donation made
25 by every Scientologist is of necessity a fraudulent

CERTIFICATE OF REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of said witness was reported by me, a Certified Shorthand Reporter and disinterested person, and was thereafter transcribed under my direction into typewriting; that the foregoing is a full, complete and true record of said testimony; and that the witness was given an opportunity to read and, if necessary, correct said deposition and to subscribe the same.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, nor in any way interested in the outcome of the cause named in said action.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my signature this JUL 28 1992 day of _____, 19____


CERTIFIED SHORTHAND REPORTER
STATE OF CALIFORNIA

MARY HILLABRAND INC.

CERTIFIED SHORTHAND REPORTERS

520 SUTTER STREET / off UNION SQUARE SAN FRANCISCO, CA 94102

PHONE 415 / 788-5350 FAX 415 / 788-0657

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

---oOo---

CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
not-for-profit religious)
corporation,)
)
Plaintiff,)
)
vs.)
)
GERALD ARMSTRONG; DOES)
1 through 25, inclusive,)
)
Defendants.)
_____)

CERTIFIED
CORRECT

Case No. BC 052395

DEPOSITION OF
GERALD ARMSTRONG
VOLUME V
PAGES 525 - 624

WEDNESDAY, MARCH 10, 1993

REPORTED BY: LYNN P. NYLUND, CSR NO. 3696

Mary Hillabrand, Inc.
520 Sutter Street
San Francisco, CA 94102

1 answer any more questions on the subject, so that's the
2 area. That's what I am entitled to and that is another
3 question.

4 What was the value of the real property that
5 you gave away in August of 1990?

6 A. I don't know.

7 Q. How much real property did you give away in
8 August of 1990?

9 A. I was on title on one property.

10 Q. Where was that located?

11 A. 707 Fawn Drive.

12 Q. To whom did you convey it?

13 A. Michael Walton.

14 Q. Did you live at 707 Fawn Drive?

15 A. Yes.

16 Q. Did you continue to live there after you
17 conveyed the title to him?

18 A. Off and on.

19 Q. What was the value of the stocks that you
20 gave away in August of 1990?

21 A. A million.

22 Q. To whom did you give the stocks?

23 A. I decline to answer that.

24 Q. Were the stocks stocks in public-traded
25 corporations?

CERTIFICATE OF REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of said witness was reported by me, a Certified Shorthand Reporter and disinterested person, and was thereafter transcribed under my direction into typewriting; that the foregoing is a full, complete and true record of said testimony; and that the witness was given an opportunity to read and, if necessary, correct said deposition and to subscribe the same.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, nor in any way interested in the outcome of the cause named in said action.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my signature this _____ day of ~~_____~~ **MAR 26 1993**


CERTIFIED SHORTHAND REPORTER

STATE OF CALIFORNIA

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MARIN

--oOo--

CHURCH OF SCIENTOLOGY,)
INTERNATIONAL, A California)
Not-For-Profit Corporation,)
)
Plaintiffs,)
)
vs.)
)
GERALD ARMSTRONG, MICHAEL)
WALTON, et al.,)
)
Defendants.)
_____)

CERTIFIED COPY

No. 157 680

DEPOSITION OF
GERALD ARMSTRONG

--oOo--

Thursday, March 17, 1994

REPORTED BY: Sheenagh M. Carlson, CSR NO. 8350

1 A. Uh-uh.

2 Q. God's words are keep nothing, give
3 what you have to the poor and take only what you
4 need?

5 A. Yes.

6 Q. And so in giving away your assets,
7 you were following what God was telling you to do;
8 is that basically yes?

9 A. Uh-huh.

10 MR. GREENE: Please answer audibly,
11 Gerry.

12 MR. WILSON: And you shouldn't have
13 waived all those admonitions, Ford, and maybe he
14 wouldn't have done that.

15 Q. Now, so you basically kept nothing;
16 is that right?

17 A. Right.

18 Q. You gave everything to the poor?

19 A. Yes.

20 Q. So that means that you considered
21 Mr. Walton to be poor at the time?

22 A. Uh-huh. I, you know, that -- I,
23 myself asked that at the time, and when I looked
24 around at all of the people who were the recipients
25 of this, I saw that there wasn't any other way to

1 do it. That that was the logical way and that has
2 been borne out in truth.

3 Q. Did you --

4 A. Of people, a person should own where
5 he lives and that's where Michael Walton lives.
6 Michael Walton has a family now in that house, and
7 that's where the family should be.

8 Q. He didn't have a family then?

9 A. I don't live there.

10 Q. He didn't have a family then; is
11 that right?

12 A. Well, he, I mean he did, but --

13 Q. What was --

14 A. But the family had a somewhat
15 different configuration at this time.

16 Q. What was Mr. Walton's family in
17 1990?

18 MR. WALTON: I'm going to object to
19 that. I think it's irrelevant and I think it
20 invades my privacy. It has nothing to do with the
21 fraudulent transfers or allegations of fraudulent
22 transfers.

23 MR. WILSON: I'll withdraw that
24 question.

25 Q. What made you think that Mr. Walton

1 was poor in 1990?

2 A. Because he had a need and he was in
3 debt and he, in my opinion at the time, I think
4 that it was essentially a help. It took care of my
5 promise to him and it gave him the opportunity to
6 build a career from that point forward.

7 Q. Okay.

8 A. And to take care of his family. And
9 in truth, he really is the person who should be
10 there. I mean, I had a flash of it when I
11 considered initially buying the house, but I get
12 all sorts of flashes of things.

13 Q. Okay. Now let me just ask you in
14 addition to the house and the forgiveness of the
15 debt, what else did you give to Mr. Walton?

16 A. I think there were some, there were
17 some house things which I had owned individually.

18 Q. You mean that --

19 A. There was a table that was in the
20 house.

21 Q. Furniture?

22 A. Furniture, and that sort of thing.

23 Q. Was there a joint account you had
24 with Mr. Walton at that time?

25 A. Yes.

1 Q. And you gave what was in that to
2 Mr. Walton; is that right?

3 A. Correct.

4 Q. How much money was in that, as far
5 as you remember?

6 A. There may have been 35, \$40,000.
7 I'm not sure.

8 Q. And where was that joint account
9 maintained, what bank?

10 A. West American Bank.

11 Q. What branch?

12 A. San Anselmo.

13 Q. Okay. Did you give Mr. Walton
14 anything else that you haven't just told me about?

15 A. Share in the company, in the
16 corporation.

17 Q. Right, I'm sorry, I forgot that. In
18 addition to this, anything else?

19 A. No.

20 Q. So it was the house, whatever --
21 some furniture in the house, joint account, and one
22 share of TGAC?

23 MR. GREENE: And the debt.

24 MR. WILSON: And forgiving the debt.

25 THE WITNESS: Yes.

1 BY MR. WILSON:

2 Q. Is that right?

3 A. Uh-huh.

4 Q. Okay. Did you consider at the time
5 giving any of your assets to any charitable
6 organizations?

7 A. I considered.

8 Q. Why did you not give it to a
9 charitable organization, if there was a reason?

10 A. I wasn't guided to.

11 Q. When you say guided, you mean guided
12 by God; is that right?

13 A. Right.

14 Q. So you're -- essentially, you were
15 guided to give the assets by God to whatever you
16 gave it to; is that right?

17 A. Uh-huh.

18 MR. GREENE: You've got to say yes
19 or no.

20 MR. WALTON: Is that yes?

21 THE WITNESS: Yes.

22 BY MR. WILSON:

23 Q. Thank you. Now, in addition to --
24 we've already gone through some of this, and I
25 don't want to go through it again, I think I can do

1 it with just a couple of questions as to these
2 other people, the Dawsons, the Douglasses, and Jerry
3 Solfvin. When you forgave the debt, in your mind
4 that was giving away an asset; is that right?

5 A. Well, I didn't, I thought of it as
6 forgiving a debt.

7 Q. Okay.

8 A. So if that's -- I mean --

9 Q. Okay.

10 A. -- it's an asset, I suppose.

11 Q. Were you guided to do this as well?

12 A. Uh-huh.

13 Q. Okay.

14 MR. WALTON: Yes?

15 THE WITNESS: Yes.

16 BY MR. WILSON:

17 Q. For the same reasons that you've
18 just told us about for Mr. Walton; is that right?

19 A. Yes.

20 Q. Okay. In addition to forgiving the
21 debt, did you give Jerry Solfvin anything else?

22 A. No.

23 Q. In addition to forgiving the debt,
24 did you give the Douglasses anything else?

25 A. I got a share of the stock.

1 Q. In addition to that, did you give
2 them anything else?

3 A. I don't believe so.

4 Q. Okay. And the Dawson family in
5 Massachusetts, in addition to forgiving the debt,
6 did you give them anything else?

7 A. No.

8 Q. Okay. At the time of the, in August
9 of 1990, how would you characterize your
10 relationship with Mr. Walton?

11 A. We were friends and he also
12 represented me in the appeal in Armstrong 1. And
13 we had a prospective business relationship
14 regarding artistic or creative ventures.

15 Q. Okay. What was your relationship
16 with Michael Douglas in August of 1990?

17 A. Friends.

18 Q. That's it?

19 A. (Witness nods head.)

20 Q. And is Kim Douglas's wife?

21 A. Yes.

22 Q. They were just friends. How often
23 did you see them socially?

24 A. Maybe once a month.

25 Q. Okay. How about in August of 1990,

1 did you give Bambi Sparks anything?

2 A. Uh-huh.

3 Q. What did you give her?

4 A. I gave her a share of the

5 corporation and I gave her my car and I gave her

6 her home furnishings.

7 Q. Anything else?

8 A. Gave her some cash.

9 Q. How much cash did you give her?

10 A. I think it was like 1500 bucks or

11 something like that.

12 Q. What kind of car did you give her?

13 A. It's an '87 Toyota.

14 Q. All right. And what was your

15 relationship with her at the time, friends?

16 A. Friends.

17 Q. Did you use the car after you gave

18 it to her?

19 A. Uh-huh. We continued to hang out

20 together and she ended up not taking it but giving

21 it back.

22 Q. Then what did you do with it?

23 A. I still drive it.

24 Q. Okay. Who is Andrew Armstrong?

25 A. He's my brother.

1 Q. You gave him a share of stock in
2 TGAC?

3 A. No.

4 Q. Did you give him anything?

5 A. No.

6 Q. Did he ever buy stock in TGAC?

7 A. Yes. Oh, wait, no. He's -- you can
8 add him to that list, I guess.

9 Q. Which one?

10 A. He -- the list of people who owed
11 me.

12 Q. Okay.

13 A. Owed me money.

14 Q. How much did he owe you?

15 A. I think, I think it was 12,000.
16 Something like that.

17 Q. All right. And you forgave that
18 debt in August of 1990?

19 A. Right.

20 Q. All right. And where does he live?

21 A. Somewhere around Denver, Colorado.

22 Q. Okay. Who is Thomas McPherson?

23 A. He's a friend of mine.

24 Q. Does he own any shares in TGAC?

25 A. Yes.

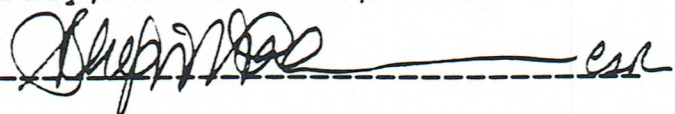
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STATE OF CALIFORNIA)
) SS
COUNTY OF SONOMA)

I, SHEENAGH M. CARLSON, holding CSR License Number 8350, hereby certify that, pursuant to Notice to take the foregoing deposition, said witness was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place stated herein; that the testimony of the said witness was recorded by me by stenotype, and that the said deposition was under my direction thereafter reduced to computer transcript and, when completed, was available to said witness for signature before any Notary Public,

I further certify that I am not of counsel or attorney for either of the parties to said deposition nor in any way interested in the outcome of the cause named in the caption.

IN WITNESS WHEREOF, I have hereunto set my hand this day of Tuesday, March 29th, 1994.



Sheenagh M. Carlson, CSR 8350
Certified Shorthand Reporter.

DECLARATION OF GRAHAM E. BERRY

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I, GRAHAM E. BERRY, declare:

1. I am an attorney duly licensed to practice in the State of California and am a member of the law firm of Lewis, D'Amato, Brisbois & Bisgaard, attorneys of record for Petitioners Joseph A. Yanny, an individual, and Joseph A. Yanny, a Professional Law Corporation ("Yanny") in this action.

2. I have personal knowledge of the facts contained in this Declaration and could and would competently testify to those facts if called upon to do so.

3. This Declaration is offered in support of Joseph A. Yanny's Amicus Curiae Brief in Opposition to Plaintiff's Order to Show Cause Re Preliminary Injunction.

4. Attached hereto as Exhibit A is a true and correct copy of Reporter's Partial Transcript, dated August 6, 1991, reported by Linda Staley, CSR No. 3359.

5. Attached hereto as Exhibit B is a true and correct copy of Reporter's Transcript of Proceedings, dated March 3, 1992, reported by Deborah S. Bartunek, CSR No. 4822.

6. Attached hereto as Exhibit C is a true and correct copy of a Letter from Graham E. Berry, Esq. to Laurie J. Bartilson, Esq., dated March 13, 1992.

7. Attached hereto as Exhibit D is a true and correct copy of L. Ron Hubbard, Technique 88, "On Control and Lying".

8. Attached hereto as Exhibit E is a true and correct copy of Memorandum of Intended Decision, dated June 22, 1984, in Armstrong
I.

1 9. Attached hereto as Exhibit F is a true and correct copy
2 of excerpts from John Atack's "A Piece of Blue Sky, Scientology,
3 Dianetics and L. Ron Hubbard Exposed", including Chapter Five.

4 10. Attached hereto as Exhibit G is a true and correct copy
5 of excerpts from John Atack's "A Piece of Blue Sky, Scientology,
6 Dianetics and L. Ron Hubbard Exposed", including Chapter Two.

7 11. Attached hereto as Exhibit H is a true and correct copy
8 of a Letter from Gerald Armstrong to Eric M. Lieberman, Esq., dated
9 August 21, 1991.

10 12. Attached hereto as Exhibit I is a true and correct copy
11 of James B. Stewart, Jr.'s "Scientology's War Against Judges", dated
12 December 1980.

13 13. Attached hereto as Exhibit J is a true and correct copy
14 of "Misconduct by Judge Alleged in Scientology Suit", by Robert
15 Welkos, Times Staff Writer, Los Angeles Times, dated September 20,
16 1988.

17 14. Attached hereto as Exhibit K is a true and correct copy
18 of excerpts from John Atack's "A Piece of Blue Sky, Scientology,
19 Dianetics and L. Ron Hubbard Exposed", including Chapter One.

20 15. Attached hereto as Exhibit L is a true and correct copy
21 of Mutual Release of All Claims and Settlement Agreement, dated
22 December 6, 1986.

23 16. Attached hereto as Exhibit M is a true and correct copy
24 of Settlement Agreement, delineating dates from December 4, 1986 to
25 December 20, 1986.

26 17. Attached hereto as Exhibit N is a true and correct copy
27 of Minute Order, dated December 12, 1986.

28 18. Attached hereto as Exhibit O is a true and correct copy

1 of Order Dismissing Action With Prejudice, dated December 11, 1986.

2 19. Attached hereto as Exhibit P is a true and correct copy
3 of Reporter's Transcript of Proceedings, dated December 11, 1986,
4 reported by Nancy L. Harris, CSR No. 644.

5 20. Attached hereto as Exhibit Q is a true and correct copy
6 of Reporter's Transcript of Proceedings, dated December 23, 1991,
7 reported by Herbert Cannon, CSR No. 1923.

8 21. Attached hereto as Exhibit R is a true and correct copy
9 of Complaint for False Imprisonment; Intentional Infliction of
10 Emotional Distress; Negligent Infliction of Emotional Distress; Loss
11 of Consortium; Conspiracy; Breach of Contract; Restitution; Fraud;
12 Invasion of Privacy; Breach of Statutory Duty to Pay Minimum Wages and
13 Overtime [Cal. Lab. C. §1194]; and Constructive Fraud, dated April 1,
14 1988, in Aznaran v. Church of Scientology of California, Inc., et al.,
15 Case No. CV 88-1786 WDK (Ex).

16 22. Attached hereto as Exhibit S is a true and correct copy
17 of Defendants' "Meet & Confer" Statement Regarding Defendants' Noticed
18 Depositions of John J. Quinn, William T. Drescher and Laurie J.
19 Bartilson and the Custodian of Records of Their Respective Law Firms,
20 dated February 20, 1992, in Yanny II.

21 23. Attached hereto as Exhibit T is a true and correct copy
22 of Verified Complaint for Damages and For Temporary, Preliminary and
23 Permanent Injunctive Relief for Breach of Fiduciary Duty, dated July
24 18, 1991, in Yanny II.

25 24. Attached hereto as Exhibit U is a true and correct copy
26 of Defendants' Verified First Amended Answer to Plaintiffs' Verified
27 Complaint; Demand for Jury Trial, dated January 22, 1982, in Yanny II.

28 25. Attached hereto as Exhibit V is a true and correct copy

1 of Eye's Only, Top Secret, "Project Quaker, (Refer to the persons
2 concerned as 'the friends')".

3 26. Attached hereto as Exhibit W is a true and correct copy
4 of Hubbard Communications Office, HCO Policy Letter of 18 October
5 1967, Issue IV, "Penalties for Lower Conditions".

6 27. Attached hereto as Exhibit X is a true and correct copy
7 of "Re: Books, etc., Written About Scientology By SPs", dated October
8 7, 1971.

9 28. Attached hereto as Exhibit Y is a true and correct copy
10 of a Scientology Letter to "Michael", dated May 20, 1975, re burglary,
11 and breaking and entering.

12 29. Attached hereto as Exhibit Z is a true and correct copy
13 of Sentencing Memorandum of the United States of America, dated
14 December 16, 1980, in United States v. Jane Kember, U.S.D.C., District
15 of Columbia, Criminal No. 78-401(2) & (3).

16 30. Attached hereto as Exhibit AA is a true and correct
17 copy of "Int Hatting: The Strike", dated October 17, 1971.

18 31. Attached hereto as Exhibit BB is a true and correct
19 copy of Declaration of Joseph A. Yanny, dated July 13, 1988.

20 32. Attached under separate cover entitled "Exhibit CC to
21 the Declaration of Graham E. Berry" is a true and correct copy of
22 Stipulation of Evidence, U.S. v. Hubbard, et al., U.S.D.C. for the
23 District of Columbia, Criminal No. 78-401, dated October 1979.

24 33. Attached under separate cover entitled "Exhibit DD to
25 the Declaration of Graham E. Berry" is a true and correct copy of
26 Notice of Motion and Motion to Enforce Settlement Agreement; for
27 Liquidated Damages and to Enjoin Future Violations, dated October 3,
28 1991, in Armstrong I.

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34. Attached under separate cover entitled "Declarations of Gerald Armstrong" are copies of the following exhibits:

- (a) Affidavit of Gerald Armstrong, dated March 19, 1986 (Exhibit A);
- (b) Declaration of Gerald Armstrong, dated November 1, 1986 (Exhibit B);
- (c) Declaration of Gerald Armstrong, dated December 18, 1983 (Exhibit C);
- (d) Declaration of Gerald Armstrong, dated November 7, 1986 (Exhibit D);
- (e) Declaration of Gerald Armstrong, dated November 18, 1986 (Exhibit E);
- (f) Declaration of Gerald Armstrong, dated March 15, 1990 (Exhibit F);
- (g) Declaration of Gerald Armstrong, dated September 3, 1991 (Exhibit G);
- (c) Declaration of Gerald Armstrong, dated May 7, 1985 (Exhibit H).

35. Attached under separate cover entitled "Declarations of Michael J. Flynn, Esq." are copies of the following exhibits:

- (a) Affidavit of Michael J. Flynn, dated September 21, 1983 (Exhibit A);
- (b) Declaration of Michael J. Flynn, dated November 7, 1984 (Exhibit B);

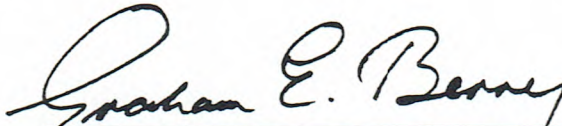
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(c) Declaration of Michael J. Flynn, dated July 1985
(Exhibit C).

I declare under penalty of perjury under the laws of the State of
California that the following is true and correct.

Executed this 16th day of March, 1992 at Los Angeles, California.


GRAHAM E. BERRY

Armsdecl.acb

SETTLEMENT AGREEMENT

Work
Copy

A. PRIOR SETTLEMENTS:

Settlement agreements made prior to November 1, 1986 and prior to the collective settlement stated below:

<u>Client</u>	<u>Amount</u>	<u>Fee and Expenses</u>
(1) Bears	\$115,000.00	To be determined with local counsel
(2) Garritys	\$175,000.00	To be determined with local counsel
(3) Petersons	\$175,000.00	To be determined with local counsel
(4) Jefferson	\$150,000.00	To be determined with local counsel
(5) Lockwood	\$150,000.00	To be determined with local counsel
(6) Hartwell	\$150,000.00	To be determined with local counsel
	<u>\$915,000.00</u>	To be determined with local counsel

B. INDEPENDENT SETTLEMENT:

The Christofferson-Titchborne settlement was made separate from the collective settlement. It was agreed to between attorney Gary McMurray, his client, Julie Christofferson-Titchborne and the Church of Scientology.

<u>Client</u>	<u>Amount</u>	<u>Fee and Expenses</u>
Christofferson-Titchborne	\$100,000.00	To be determined by attorney McMurray and client. None of the attorneys representing other clients in the collective settlement represent or have represented Christofferson-Titchborne.

C. COLLECTIVE SETTLEMENT:

The following cases/clients are part of a collective settlement made on December 11, 1986. The undersigned acknowledge that the settlement set forth above in Paragraphs A and B were made as separate settlements, meaning that the cases/clients listed in Paragraphs A and B agreed to the amounts stated therein prior to the collective settlement as in Paragraph A, and independent from the collective settlement as in Paragraph B. The total amount of the collective settlement is \$2,800,000.00. The total amount of the collective settlement and the prior independent settlements in Paragraphs A and B is \$3,815,000.00. The collective settlement allocation is as follows:

<u>Client</u>	<u>Amount</u>	<u>Fee and Expenses</u>
(1) Nancy Dincalci	\$ 7,500.00	None
(2) Kim Douglas	\$ 7,500.00	None
(3) " " "	" " "	" " "
(4) " " "	" " "	" " "

(-2-)

C

(3)	Robert Dardano	\$ 15,000.00	None
(4)	Warren Friske	\$ 15,000.00	None
(5)	William Franks	\$ 40,000.00	None
(6)	Laurel Sullivan	\$ 40,000.00	None
(7)	Edward Walters	\$100,000.00	To be determined between client and attorneys
(8)	Howard Schomer	\$200,000.00	To be determined between attorney Bunch and client
(9)	Martin Samuels	\$500,000.00	To be determined between attorney McMurray and client
(10)	Gerald Armstrong v. Church of Scientology	\$800,000.00	To be determined between attorney Bunch and client
(11)	Fees and expenses to attorneys Contos & Bunch, Robert Kilbourne, Michael Flynn, and associated counsel for the prosecution and defense of various cases including the "Hubbard documents" case, the "check-frame up" case and the defense of approximately 17 lawsuits against attorney Flynn and his clients.	\$500,000.00	To be determined between attorneys Contos & Bunch, Michael Flynn, Robert Kilbourne, and associated counsel
(12)	Flynn v. Ingram (No. _____) Flynn v. Hubbard (No. _____)	\$575,000.00 -0-	To be determined between attorney Flynn and his counsel
		\$2,000,000.00	

We, the undersigned, agree and acknowledge that

- (1) we have read the foregoing Settlement Agreement;
- (2) that we agree with the total settlement amount and the allocations to the respective cases/clients as set forth therein;
- (3) that we have either consulted, been advised to consult, or have had the opportunity to consult with attorneys other than Michael J. Flynn who, we acknowledge is also a claimant against the Church of Scientology and L. Ron Hubbard;
- (4) that we agree to maintain the confidentiality of this Settlement Agreement;
- (5) that we acknowledge that many of the cases/clients involved in this settlement have been in litigation against the Church of Scientology for more than six to seven years, that many have been subjected to intense, and prolonged harassment by the Church of Scientology throughout the litigation, and that the value of the respective claims stated therein is measured in part by the (a) length and degree of harassment; (b) length and degree of involvement in the litigation; (c) the individual nature of each respective claim in connection with either their involvement with the Church of Scientology as a member and/or as a litigant; (d) the unique value of each case/client based on a variety of things including, but not limited to, the current procedural posture of a case, specific facts unique to each case, and financial, emotional or consequential damage in each case; that we agree and

acknowledge that Michael J. Flynn has primarily been responsible for bearing the cost of the litigation over a period of approximately seven years, that he or his firm's members have been required to defend approximately 17 lawsuits and/or civil/criminal contempt actions instituted by the Church of Scientology against him, his associates and clients, that he and his family have been subjected to intense and prolonged harassment, and that his claims against the Church of Scientology and L. Ron Hubbard, and his participation as an attorney have a unique value which is accurately and properly reflected in the allocations set forth herein.

Nancy Bincalci
NANCY BINCALCI

DATE: Dec 5, 1986

Kima Douglas
KIMA DOUGLAS

DATE: Dec 5 - 1986

Robert Dardano
ROBERT DARDANO

DATE: Dec - 20 - 1986

WARREN FRISKE

DATE: _____

Laurel Sullivan
LAUREL SULLIVAN

DATE: Dec 7 1986

Julie Christofferson

DATE: Dec 6, 1986

Julie Christofferson

DATE: Dec 6, 1986

Paul Garfield
William Franks

DATE: _____

DATE: E. P. K.

Edward Walters
EDWARD WALTERS

DATE: November 7th 1986

Howard Scherer
HOWARD SCHERER

DATE: 12-5-86

Martin Samuels
MARTIN SAMUELS

DATE: Dec 4, 1986

Gerald Armstrong
GERALD ARMSTRONG

DATE: 12-6-86

MICHAEL J. FLYNN

DATE: _____

CONTOS & BUNCH
A PROFESSIONAL CORPORATION

BY: Bruce N. Bunch
Julia Prascovic

DATE: 12-10-86

Gary R. Murray
GARY R. MURRAY

DATE: December 6, 1986

ROBERT KILGOURNE

DATE: _____

Jane Peterson
3:3:17

DATE: _____

Richard Peterson

DATE: _____

DATE: 12/10/86 EXHIBIT H

1 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO
2 235 Montgomery Street
Suite 450
3 San Francisco, California 94104
(415) 391-3900

4 Laurie J. Bartilson
5 BOWLES & MOXON
6255 Sunset Boulevard
6 Suite 2000
Hollywood, California 90028
7 (213) 661-4030

8 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY INTERNATIONAL
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY OF) Case No. 157680
INTERNATIONAL, a California not-)
13 for-profit religious corporation;) PLAINTIFF'S FIRST REQUEST
14 Plaintiff,) FOR THE PRODUCTION OF
DOCUMENTS BY DEFENDANT
15 vs.) GERALD ARMSTRONG
)
16 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
17 a California for-profit)
corporation; DOES 1 through 100,)
18 inclusive,)
)
19 Defendants.)
_____)

20 DEMANDING PARTY: Plaintiff Church of Scientology International

21 RESPONDING PARTY: Defendant Gerald Armstrong

22 SET NO.: 1

23 Plaintiff Church of Scientology International ("plaintiff")
24 demands, pursuant to C.C.P. §2031, that defendant, Gerald
25 Armstrong, produce the items described below, for inspection and
26 copying by plaintiff's attorneys, on September 13, 1993 at 10:00
27 a.m. at the offices of Wilson, Ryan & Campilongo, located at 235
28

1 Montgomery Street, Suite 450, San Francisco, California 94104.

2 DEFINITIONS AND EXPLANATIONS:

3 1. As used herein, the term "document" includes all
4 written, typewritten, printed and graphic materials of whatever
5 kind or nature, including, but not limited to, correspondence,
6 notes, memoranda, telegrams and cables, telexes, telecopies,
7 panafaxes, publications, contracts, agreements, insurance
8 policies, minutes, offers, analyses, projections, treatments,
9 studies, books, papers, records, reports, lists, calendars,
10 diaries, statements, complaints, filings with any court, tribunal
11 or governmental agency, corporate minutes, partnerships,
12 agreements, ledgers, transcripts, summaries, agendas, bills,
13 invoices, receipts, estimates, evaluations, personnel files,
14 certificates, instructions, manuals, bulletins, advertisements,
15 periodicals, accounting records, checks, check stubs, check
16 registers, canceled checks, money orders, negotiable instruments,
17 sound recordings, films, photographs, mechanical or electronic
18 recordings, tapes, transcriptions, blueprints, computer programs
19 and data, data processing cards, x-rays, laboratory reports and
20 all other medical tests and test results.

21 2. As used herein, the term "document" further means all
22 writings, originals and duplicates as defined in California
23 Evidence Code Sections 250, 255 and 260, whether in draft or
24 otherwise, including but not limited to, copies and non-identical
25 copies (whether different from the originals because of notes or
26 marks made on or attached to said copies or otherwise).

27 3. The words "and" and "or" as used herein shall both mean
28 "and/or."

1 4. The term "you" as used herein means defendant Gerald
2 Armstrong, his employees, agents, representatives, attorneys, or
3 assigns.

4 DOCUMENTS AND THINGS TO BE PRODUCED:

5 1. All documents which in any way constitute, discuss,
6 evidence, mention, concern, relate or refer to the transfer of
7 assets, money, liabilities, literary works, works of art, shares
8 of stock or real, personal, or intangible property of any kind
9 between you and The Gerald Armstrong Corporation at any time;

10 2. All documents which in any way constitute, discuss,
11 evidence, mention, concern, relate or refer to the transfer of
12 assets, money, liabilities, literary works, works of art, shares
13 of stock or real, personal, or intangible property of any kind
14 between you and Michael Walton at any time;

15 3. All documents which in any way constitute, discuss,
16 mention, concern, relate or refer to that document shown on
17 Entertainment Television's "Entertainment Tonight" on August 5,
18 1993, and bearing the designation: "ONE HELL OF A STORY An
19 Original Treatment Written for Motion Picture Purposes Created
20 and Written by Gerald Armstrong;"

21 4. All documents which in any way constitute, mention,
22 concern, relate or refer to any motion picture, documentary,
23 video treatment, teleplay, screenplay, article, story, treatment,
24 project or script prepared by you which contains any reference to
25 plaintiff, Scientology, or any of the entities or individuals
26 listed in paragraph 1 of the "Mutual Release of All Claims and
27 Settlement Agreement" of December, 1986;

28 5. All correspondence of any kind received by you or the

1 Gerald Armstrong Corporation from Entertainment Television, its
2 employees, agents, representatives, attorneys, officers,
3 directors or assigns, after December 6, 1986, which relates to or
4 concerns the plaintiff, Scientology, or any of the entities or
5 individuals listed or referred to in paragraph 1 of the "Mutual
6 Release of All Claims and Settlement Agreement" of December,
7 1986;

8 6. All correspondence of any kind sent by you or the
9 Gerald Armstrong Corporation to Entertainment Television, its
10 employees, agents, representatives, attorneys, officers,
11 directors or assigns, after December 6, 1986, which relates to or
12 concerns the plaintiff, Scientology, or any of the entities or
13 individuals listed or referred to in paragraph 1 of the "Mutual
14 Release of All Claims and Settlement Agreement" of December,
15 1986;

16 7. All correspondence of any kind sent by you or the
17 Gerald Armstrong Corporation to anyone which in any way
18 discusses, mentions, concerns, relates or refers to that document
19 shown on Entertainment Television's "Entertainment Tonight" on
20 August 5, 1993, and bearing the designation: "ONE HELL OF A STORY
21 An Original Treatment Written for Motion Picture Purposes Created
22 and Written by Gerald Armstrong;"

23 8. All correspondence of any kind received by you or the
24 Gerald Armstrong Corporation from anyone which in any way
25 discusses, mentions, concerns, relates or refers to that document
26 shown on Entertainment Television's "Entertainment Tonight" on
27 August 5, 1993, and bearing the designation: "ONE HELL OF A STORY
28 An Original Treatment Written for Motion Picture Purposes Created

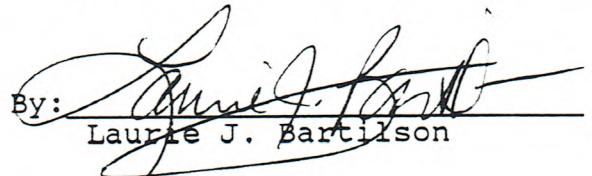
1 and Written by Gerald Armstrong;"

2 9. All correspondence of any kind sent by you or the
3 Gerald Armstrong Corporation to anyone which in any way
4 discusses, mentions, concerns, relates or refers to any document
5 authored by you, in whole or in part, including but not limited
6 to manuscripts, screenplays, motion picture treatments,
7 "fictionalizations," plays, articles, or scripts, which discuss,
8 mention, concern, relate, or refer to the plaintiff, Scientology,
9 or any of the entities or individuals listed or referred to in
10 paragraph 1 of the "Mutual Release of All Claims and Settlement
11 Agreement" of December, 1986;

12 10. All correspondence of any kind received by you or the
13 Gerald Armstrong Corporation from anyone which in any way
14 discusses, mentions, concerns, relates or refers to any document
15 authored by you, in whole or in part, including but not limited
16 to manuscripts, screenplays, motion picture treatments,
17 "fictionalizations," plays, articles, or scripts, which discuss,
18 mention, concern, relate, or refer to the plaintiff, Scientology,
19 or any of the entities or individuals listed or referred to in
20 paragraph 1 of the "Mutual Release of All Claims and Settlement
21 Agreement" of December, 1986.

22 Dated: August 9, 1993

BOWLES & MOXON

23
24 By: 
Laurie J. Bartilson

25
26 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

27 Attorneys for Plaintiff
28 Church of Scientology
International

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, California 90028.

On August 9, 1993, I served the foregoing document described as PLAINTIFF'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS BY DEFENDANT GERALD ARMSTRONG on interested parties in this action

- by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;
- by placing the original a true copy thereof in sealed envelopes addressed as follows:

GERALD ARMSTRONG
715 Sir Francis Drake Boulevard
San Anselmo, CA 94960-1949

MICHAEL WALTON
707 Fawn Drive
San Anselmo, CA 94960

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Boulevard
San Anselmo, CA 94960-1949

THE GERALD ARMSTRONG CORPORATION
715 Sir Francis Drake Boulevard
San Anselmo, CA 94960-1949

BY MAIL

- *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on August 9, 1993 at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State

Gerald Hanlon
Type or Print Name

Gerald Hanlon
Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

1 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO
2 235 Montgomery Street
Suite 450
3 San Francisco, California 94104
(415) 391-3900

4 Laurie J. Bartilson
5 BOWLES & MOXON
6255 Sunset Boulevard
6 Suite 2000
Hollywood, California 90028
7 (213) 953-3360

8 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY INTERNATIONAL
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY OF) Case No. 157680
INTERNATIONAL, a California not-)
13 for-profit religious corporation;) PLAINTIFF'S SECOND REQUEST
FOR THE PRODUCTION OF
14 Plaintiff,) DOCUMENTS BY DEFENDANT
GERALD ARMSTRONG
15 vs.)
)
16 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
17 a California for-profit)
corporation; DOES 1 through 100,)
18 inclusive,)
)
19 Defendants.)
_____)
20

21 **DEMANDING PARTY:** Plaintiff Church of Scientology International

22 **RESPONDING PARTY:** Defendant Gerald Armstrong

23 **SET NO.:** 2

24 Plaintiff Church of Scientology International ("plaintiff")
25 demands, pursuant to C.C.P. § 2031, that defendant Gerald
26 Armstrong produce the items described below for inspection and
27 copying by plaintiff's attorneys on October 20, 1993 at 10 a.m.
28 at the offices of Wilson, Ryan & Campilongo, located at 235

1 Montgomery Street, Suite 450, San Francisco, California 94104.

2 DEFINITIONS AND EXPLANATIONS:

3 1. As used herein, the term "document" includes all
4 written, typewritten, printed and graphic materials of whatever
5 kind or nature, including, but not limited to, correspondence,
6 notes, memoranda, telegrams and cables, telexes, telecopies,
7 panafaxes, publications, contracts, agreements, insurance
8 policies, minutes, offers, analyses, projections, treatments,
9 studies, books, papers, records, reports, lists, calendars,
10 diaries, statements, complaints, filings with any court, tribunal
11 or governmental agency, corporate minutes, partnerships,
12 agreements, ledgers, transcripts, summaries, agendas, bills,
13 invoices, receipts, estimates, evaluations, personnel files,
14 certificates, instructions, manuals, bulletins, advertisements,
15 periodicals, accounting records, checks, check stubs, check
16 registers, canceled checks, money orders, negotiable instruments,
17 sound recordings, films, photographs, mechanical or electronic
18 recordings, tapes, transcriptions, blueprints, computer programs
19 and data, data processing cards, x-rays, laboratory reports and
20 all other medical tests and test results.

21 2. As used herein, the term "document" further means all
22 writings, originals and duplicates as defined in California
23 Evidence Code Sections 250, 255 and 260, whether in draft or
24 otherwise, including but not limited to, copies and non-identical
25 copies (whether different from the originals because of notes or
26 marks made on or attached to said copies or otherwise).

27 3. The words "and" and "or" as used herein shall both mean
28 "and/or."

1 4. The term "you" as used herein means defendant Gerald
2 Armstrong, his employees, agents, representatives, attorneys, or
3 assigns.

4 DOCUMENTS AND THINGS TO BE PRODUCED:

5 1. All documents relating to the passing of title or
6 conveyance of the property known as 707 Fawn Drive, San Anselmo,
7 California, and more particularly described as follows:

8 PARCEL ONE

9 PARCEL TWO as shown upon that certain Parcel Map
10 entitled, "Parcel Map Lands of California Land Title
11 Portion Lands described in book 2887 of Official
12 Records, at page 367, also being Portion of Lots 501
13 and 501-A unrecorded Map of Sleepy Hollow Acres,
Vicinity of San Anselmo, Marin County, California,
14 filed for record April 8, 1976 in Volume 12 of Parcel
15 Maps, at page 43, Marin County Records.

16 EXCEPTING THEREFROM that portion deeded to Alain Pigois
17 and Nina Pigois, husband and wife, as community
18 property, by Deed recorded February 27, 1989, Serial
19 No. 89 13373.

20 PARCEL TWO

21 AN EASEMENT for ingress, egress and public utility
22 purposes described as follows:

23 BEGINNING at a point on the centerline of Fawn Drive,
24 said point being the most southwesterly corner of
25 Parcel 3, as shown upon that certain map entitled,
26 "Parcel Map Lands of California Land Title Portion
27 Lands described in Book 2887 of Official Records, at
28 page 367, also being a portion of Lots 501 and 501-A,
unrecorded Map of Sleepy Hollow Acres, Vicinity of San
Anselmo, Marin County, California", filed for record
April 9, 1976 in Volume 12 of Parcel Maps, at page 43,
Marin County Records, said point also being the
intersection of the calls "South 26° 20' East 135 feet
and North 63° 40' East 20 feet" as contained in Parcel
2 of the Deed executed by California Land Title
Company, a corporation to Michael C. McGuckin, et ux,
recorded March 26, 1976 in Book 3010 of Official
Records, at page 190, Marin County Records; thence from
said point of beginning and along the exterior boundary
of said Parcel 3, North 63° 40' East 20 feet; thence
North 75° 07' 20" East 164.00 feet; thence leaving said
exterior boundary of Parcel 3, North 12° 41' East 85.00

1 feet; thence North 30° 45' West 126.00 feet, thence
2 North 13° 30' East 79.21 feet to the northwesterly
3 boundary of Parcel 1, as shown upon that certain map
4 referred to hereinabove; thence along the exterior
5 boundary of said Parcel 1, South 84° 00' west 75.70
6 feet to the most Northerly corner of the parcel of land
7 described in the Deed executed by Charles B. Robertson,
8 et ux, to Paul Hopkins Talbot, Jr., et ux, recorded
9 January 30, 1956 in book 1002 of Official Records, at
page 623, Marin County Records; thence 111.77 feet,
thence leaving said exterior boundary of Parcel 1,
South 18° 45' East 95.06 feet thence South 21° 48' West
70.66 feet; thence South 75° 07' 20" West 160.00 feet
to the certline of Fawn Drive; thence along the
exterior boundary of said Parcel 3, also being the
centerline of "Fawn Drive, South 26° 20' East 34.46
feet to the point of beginning.

10 (the "PROPERTY"), from the date of acquisition to the present,
11 including all documents relating to the acquisition of the
12 PROPERTY. Such documents shall include those relating to any
13 passing of title or conveyance to Michael Walton.

14 2. All documents evidencing or relating to the state of
15 title of the PROPERTY or any portion thereof when you first
16 received title to the PROPERTY.

17 3. All documents evidencing, relating to or comprising
18 agreements with Michael Walton relating to the PROPERTY
19 including, but not limited to, agreements of co-ownership and
20 respective amounts of contribution towards down payment and
21 mortgage payments.

22 4. All documents evidencing, relating to or comprising
23 property tax bills or property tax statements for the PROPERTY
24 that have been incurred or received at any time from the
25 acquisition of the PROPERTY until the present.

26 5. All documents comprising or relating to payments made,
27 including checks or money orders or other documentation of
28 payments made on the aforementioned property tax bills.

1 6. All documents comprising or relating to any agreement
2 concerning liens, easements, rights of way, mineral rights, water
3 rights, leaseholds and any other interest in the PROPERTY.

4 7. All documents evidencing, comprising or relating to any
5 liens, encumbrances, foreclosure actions, whether pending or not,
6 on the PROPERTY including but not limited to, documents relating
7 to any payment or partial payment toward a lien, foreclosure
8 action or other encumbrance.

9 8. All documents, including loan applications, relating to
10 any loans secured by the PROPERTY at any time from the
11 acquisition of the PROPERTY by you to the present whether or not
12 said loan(s) is/are repaid. If said loan(s) is/are repaid, even
13 if you were not the person(s) who repaid it, please provide all
14 documents relating to said repayment.

15 9. All documents comprising, evidencing or relating to
16 payment made or other exchange applied for any transfer of title
17 on the PROPERTY from 1986 until the present. This is to include,
18 but not be limited to, cancelled checks or receipts.

19 10. All documents comprising, evidencing, or reflecting
20 bills or invoices, and payments thereon, of household maintenance
21 from the acquisition of the PROPERTY by you to the present.

22 11. All documents comprising, evidencing or relating to
23 bills or invoices, contracts, oral or written, and payments
24 thereon of subcontractors, materialmen, suppliers or other
25 individuals or business entities who provided labor, material or
26 supplies for the modification of the PROPERTY at any time from
27 the acquisition of the PROPERTY to the present.

28 12. All documents comprising, evidencing or relating to

1 payments to any utility companies for the utilities at the
2 PROPERTY at any time from the acquisition of the PROPERTY to the
3 present.

4 13. All documents reflecting the names, addresses and
5 telephone numbers of all accountants, accounting firms and other
6 persons or businesses that you retained to manage, analyze,
7 monitor or keep records of your business and personal financial
8 affairs and assets, including the financial affairs and assets of
9 The Gerald Armstrong Corporation, from January 1, 1986 to the
10 present.

11 14. All documents reflecting your financial condition,
12 business and personal affairs and assets, including the financial
13 affairs and assets of The Gerald Armstrong Corporation, from
14 January 1, 1986 to the present. Such documents shall include but
15 not be limited to financial statements, profit and loss
16 statements, income and expense statements, asset statements and
17 balance sheets.

18 15. All documents reflecting the name, address and
19 telephone number of the locations at which all your business,
20 personal and banking accounts, including those of The Gerald
21 Armstrong Corporation, are maintained.

22 16. All documents which refer to, relate to, mention,
23 discuss, concern or evidence, without limitation, any transfer of
24 cash and/or shares of stock in The Gerald Armstrong Corporation
25 made by you to Michael Walton or any person or corporation from
26 July 1990 until the present.

27 17. All documents which refer to, relate to, mention,
28 discuss, concern or evidence, without limitation, any property,

1 cash or other asset received by you, of any kind whatsoever, in
2 exchange for every transfer of cash and/or shares of stock in The
3 Gerald Armstrong Corporation made by you to Michael Walton or any
4 person or corporation from July 1990 until the present.

5 Dated: September 16, 1993

BOWLES & MOXON

6
7 By: Laurie J. Bartilson *Laurie J. Bartilson*

8 Andrew H. Wilson
9 WILSON, RYAN & CAMPILONGO

10 Attorneys for Plaintiff
11 Church of Scientology
12 International
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On September 16, 1993, I served the foregoing document described as PLAINTIFF'S SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS BY DEFENDANT GERALD ARMSTRONG on interested parties in this action,

by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing the original true copies thereof in sealed envelopes addressed as follows:

FORD GREENE
HUB Law Offices
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MICHAEL WALTON
707 Fawn Drive
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GERALD ARMSTRONG
715 Sir Francis Drake Boulevard
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THE GERALD ARMSTRONG CORPORATION
715 Sir Francis Drake Boulevard
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BY MAIL

*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal

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California State Bar No. 107601
2 HUB LAW OFFICES
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3 San Anselmo, California 94960-1949

4 Attorney for Defendant
GERALD ARMSTRONG
5

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF MARIN

10 CHURCH OF SCIENTOLOGY INTERNATIONAL,) No. 157 680
a California not-for-profit)
11 religious corporation,) GERALD ARMSTRONG'S
12)) RESPONSES TO PLAINTIFF'S
Plaintiff,) FIRST REQUEST FOR
13 vs.) PRODUCTION OF DOCUMENTS
14))
14 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
15 a California for-profit)
corporation; DOES 1 through 100,)
16 inclusive,)
17 Defendants.) Date:
18) Time:
18) Dept:
18) Trial Date: None Set

19 DEMANDING PARTY: Plaintiff Church of Scientology International

20 RESPONDING PARTY: Defendant Gerald Armstrong

21 SET NO: One

22 Responses To Documents And Things To Be Produced

23 1. Armstrong objects on the following grounds: the that the
24 request violates the right to privacy, that the request is not
25 calculated to lead to the discovery of admissible evidence, and is
26 irrelevant, constitutes discovery prohibited by the order of the
27 Superior Court of Los Angeles, is burdensome, harrasive, requires
28 a compilation, and is compound, overbroad and ambiguous.

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1 2. Armstrong objects on the following grounds: the that the
2 request violates the right to privacy, that the request is not
3 calculated to lead to the discovery of admissible evidence, and is
4 irrelevant, constitutes discovery prohibited by the order of the
5 Superior Court of Los Angeles, is burdensome, harrasive, requires
6 a compilation, and is compound, overbroad and ambiguous.

7 3. Armstrong objects on the following grounds: the that the
8 request violates the right to privacy and the right to freedom of
9 religion, speech, press and association, that the request is not
10 calculated to lead to the discovery of admissible evidence, and is
11 irrelevant, constitutes discovery prohibited by the order of the
12 Superior Court of Los Angeles, and is burdensome, and harrasive.

13 4. Armstrong objects on the following grounds: the that the
14 request violates the right to privacy and the right to freedom of
15 religion, speech, press and association, that the request is not
16 calculated to lead to the discovery of admissible evidence, and is
17 irrelevant, constitutes discovery prohibited by the order of the
18 Superior Court of Los Angeles, and is burdensome, and harrasive.

19 5. Armstrong objects on the following grounds: the that the
20 request violates the right to privacy and the right to freedom of
21 religion, speech, press and association, that the request is not
22 calculated to lead to the discovery of admissible evidence, and is
23 irrelevant, constitutes discovery prohibited by the order of the
24 Superior Court of Los Angeles, and is ambiguous, overbroad, vague,
25 burdensome, and harrasive.

26 6. Armstrong objects on the following grounds: the that the
27 request violates the right to privacy and the right to freedom of
28 religion, speech, press and association, that the request is not

1 calculated to lead to the discovery of admissible evidence, and is
2 irrelevant, constitutes discovery prohibited by the order of the
3 Superior Court of Los Angeles, and is ambiguous, overbroad, vague,
4 burdensome, and harrasive.

5 7. Armstrong objects on the following grounds: the that the
6 request violates the right to privacy and the right to freedom of
7 religion, speech, press and association, that the request is not
8 calculated to lead to the discovery of admissible evidence, and is
9 irrelevant, constitutes discovery prohibited by the order of the
10 Superior Court of Los Angeles, and is ambiguous, overbroad, vague,
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12 8. Armstrong objects on the following grounds: the that the
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15 calculated to lead to the discovery of admissible evidence, and is
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17 Superior Court of Los Angeles, and is ambiguous, overbroad, vague,
18 burdensome, and harrasive.

19 9. Armstrong objects on the following grounds: the that the
20 request violates the right to privacy and the right to freedom of
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22 calculated to lead to the discovery of admissible evidence, and is
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24 Superior Court of Los Angeles, and is ambiguous, overbroad, vague,
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26 10. Armstrong objects on the following grounds: the that the
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2 irrelevant, constitutes discovery prohibited by the order of the
3 Superior Court of Los Angeles, and is ambiguous, overbroad, vague,
4 burdensome, and harrasive.

5 DATED: October 4, 1993

HUB LAW OFFICES

6
7
8 

By:

FORD GREENE
Attorney for Defendant and
Petitioners GERALD ARMSTRONG
and THE GERALD ARMSTRONG
CORPORATION

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PROOF OF SERVICE

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I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents: DEFENDANT GERALD ARMSTRONG'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

MICHAEL WALTON, ESQ.
707 Fawn Drive
San Anselmo, CA 94960

Andrew Wilson, Esquire
WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

LAURIE J. BARTILSON, ESQ.
Bowles & Moxon
6255 Sunset Boulevard, Suite 2000
Los Angeles, California 90028

- (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.
- (Personal) I caused said papers to be personally service on the office of opposing counsel.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

DATED: October 4, 1993 

1 Ford Greene
California State Bar No. 107601
2 HUB LAW OFFICES
711 Sir Francis Drake Boulevard
3 San Anselmo, California 94960-1949

4 Attorney for Defendant
GERALD ARMSTRONG
5
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF MARIN

10 CHURCH OF SCIENTOLOGY INTERNATIONAL,) No. 157 680
a California not-for-profit)
11 religious corporation,) GERALD ARMSTRONG'S
12 Plaintiff,) RESPONSES TO PLAINTIFF'S
13 vs.) SECOND REQUEST FOR
14 GERALD ARMSTRONG; MICHAEL WALTON;) PRODUCTION OF DOCUMENTS
THE GERALD ARMSTRONG CORPORATION,)
15 a California for-profit)
corporation; DOES 1 through 100,)
16 inclusive,)
17 Defendants.) Date:
18) Time:
) Dept:
) Trial Date: None Set

19 DEMANDING PARTY: Plaintiff Church of Scientology International

20 RESPONDING PARTY: Defendant Gerald Armstrong

21 SET NO: Two

22 Responses To Documents And Things To Be Produced

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COPY

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12 calculated to lead to the discovery of admissible evidence, and is
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14 Superior Court of Los Angeles, and is ambiguous, overbroad, vague,
15 burdensome, and harrasive.

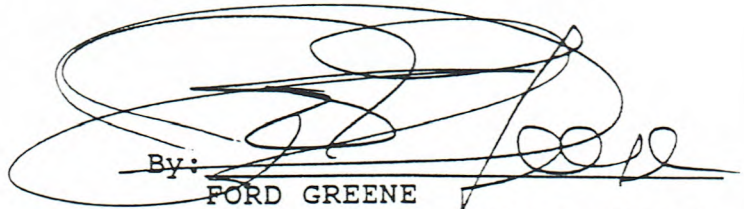
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28 Superior Court of Los Angeles, and is ambiguous, overbroad, vague,

1 burdensome, and harrasive.

2 DATED: October 4, 1993

HUB LAW OFFICES



By: FORD GREENE
Attorney for Defendant and
Petitioners GERALD ARMSTRONG
and THE GERALD ARMSTRONG
CORPORATION

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1 Andrew H. Wilson, #063209
WILSON, RYAN & CAMPILONGO
2 235 Montgomery Street, Suite 450
San Francisco, CA 94104
3 (415) 391-3900
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4 Laurie J. Bartilson
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7 Los Angeles, CA 90028
(213) 661-4030
(213) 953-3351 (FAX)

8 Attorneys for Plaintiff
9 CHURCH OF SCIENTOLOGY INTERNATIONAL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12
13 CHURCH OF SCIENTOLOGY INTERNATIONAL,)
a California not- for-profit)
14 religious corporation;)

15 Plaintiff,)

16 vs.)

17 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION, a)
18 California for-profit corporation;)
Does 1 through 100, inclusive,)

19 Defendants.)
20)
21)

CASE NO. 157 680

NOTICE OF MOTION AND
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
FROM DEFENDANT GERALD
ARMSTRONG

DATE: January 14, 1994
TIME: 9:00 a.m.
DEPT: 1

TRIAL DATE: None
DISCOVERY CUT OFF: None
MOTION CUT OFF: None

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that on January 14, 1994 at 9:00 a.m. in
24 Department 1 of the above-entitled court, Plaintiff CHURCH OF
25 SCIENTOLOGY INTERNATIONAL ("the Church") will and does hereby move,
26 pursuant to C.C.P. §§ 2031(1) and 2023(1), for an order compelling
27 defendant GERALD ARMSTRONG to produce documents for inspection and
28 copying, as requested in the Church's First Request for the

1 Production of Documents By Defendant Gerald Armstrong. This motion
2 is made on the grounds that defendant Armstrong has refused to
3 produce any documents in response to the Church's reasonable
4 requests, producing instead a series of objections which are
5 evasive, meritless and interjected in bad faith to impede discovery.
6 This motion is based on this notice, and the accompanying memorandum
7 of points and authorities, declaration of Andrew H. Wilson, and
8 separate statement of requests in dispute.

9 Dated: November 23, 1993

Respectfully submitted,

10 WILSON, RYAN & CAMPILONGO

11
12 By: 
Andrew H. Wilson

13 Laurie J. Bartilson
14 BOWLES & MOXON

15 Attorneys for Plaintiff
16 CHURCH OF SCIENTOLOGY
17 INTERNATIONAL

50502-003A
11-24-93

FILED

NOV 24 1993

HOWARD HANSON
MARIN COUNTY CLERK
By J. Steele, Deputy

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3 235 Montgomery Street
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5 San Francisco, CA 94104
6 (415) 391-3900
7 (415) 954-0938 (FAX)

8 Laurie J. Bartilson
9 BOWLES & MOXON
10 6255 Sunset Boulevard
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12 Los Angeles, CA 90028
13 (213) 661-4030
14 (213) 953-3351 (FAX)

15 Attorneys for Plaintiff
16 CHURCH OF SCIENTOLOGY INTERNATIONAL

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 FOR THE COUNTY OF MARIN

19 CHURCH OF SCIENTOLOGY
20 INTERNATIONAL, a California not-
21 for-profit religious corporation;

22 Plaintiff,

23 vs.

24 GERALD ARMSTRONG; MICHAEL WALTON;
25 THE GERALD ARMSTRONG CORPORATION, a
26 California for-profit corporation;
27 Does 1 through 100, inclusive,

28 Defendants.

CASE NO. 157-680

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
FROM DEFENDANT GERALD
ARMSTRONG

DATE: January 14, 1994
TIME: 9:00 a.m.
DEPT: 1

TRIAL DATE: None
DISCOVERY CUT OFF: None
MOTION CUT OFF: None

BY FAX

I. INTRODUCTION

Plaintiff Church of Scientology International ("the Church") has brought this litigation as a necessary step to preserve its ability to effect recovery from Gerald Armstrong upon receiving an award of liquidated, general, and punitive damages in the two cases which it has pending against these defendants in the

WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

57887

1 Superior Court for the County of Los Angeles, No. BC 052395 and BC
2 084642. Armstrong has sought to avoid the consequences of the
3 liquidated damages clause in the 1986 Settlement Agreement and of
4 his numerous violations of that Agreement by hiding his assets.
5 To that end, he transferred his real property, a house on Fawn
6 Drive in Marin County, to his friend and attorney, defendant
7 Michael Walton. This transfer was made without consideration,
8 although the house and land were apparently worth in excess of
9 \$397,500. Further, Armstrong has claimed in deposition to have
10 substantial assets in the form of manuscripts and artistic works.
11 At least some of these assets were transferred to Armstrong's
12 alter ego, defendant Gerald Armstrong Corporation.

13 The Church has sought production of documents relating to
14 the existence and conveyance of Armstrong's assets. These requests
15 for production have been met with meritless objections and a
16 refusal to engage in a meaningful meet-and-confer process.
17 Consequently the Church has brought this motion in accordance with
18 C.C.P. §2030(1) to compel the production of the relevant
19 documents.

20 II. STATEMENT OF FACTS

21 The Church served Armstrong with its First Request for
22 Production of Documents [Exhibit A to Declaration of Andrew
23 Wilson], on August 9, 1993. Armstrong's responses and/or
24 objections were due on September 3, 1993, and the document
25 production was due on September 13. Armstrong did not produce any
26 documents at all. Instead, after obtaining an extension of time
27 in which to respond, he served responses consisting completely of
28 objections, on October 4, 1993 [Exhibit B to Declaration of Andrew

1 Wilson]. Counsel for the Church immediately contacted Armstrong's
2 counsel, and attempted to meet and confer with him concerning the
3 inadequacy of the responses. [Exhibit C to Declaration of Andrew
4 Wilson, ¶__.] Armstrong's counsel refused to discuss the
5 responses, and insisted that Mr. Wilson "write him a letter."
6 [Id.] Mr. Wilson did so, detailing the reasons why the objections
7 were not adequate. [Id.] Mr. Greene never responded to Mr.
8 Wilson's letter, and has produced no documents.

9 The requests, ten in all, seek documents which are directly
10 relevant to the Church's fraudulent conveyance action. They ask
11 for documents which evidence transfers of assets, whether tangible
12 or intangible, between Armstrong and defendants Walton and the
13 Gerald Armstrong Corporation. On August 5, 1993, Armstrong
14 boasted on national television that he had developed, and was
15 trying to sell, a screenplay. The requests thus seek production
16 of documents relating to the creation, transfer, sale or
17 exploitation of this or other literary and artistic assets. These
18 matters are directly relevant to the issue of Armstrong's assets
19 and whether and how he may be attempting to transfer them out of
20 his apparent direct control to avoid obligations owed to the
21 Church.

22 In response to each request, Armstrong has asserted a
23 series of boilerplate objections, claiming that the request
24 violates the right to privacy, freedom of religion, speech, press
25 and association; is not calculated to lead to the discovery of
26 admissible evidence and is irrelevant; violates an unspecified
27 "order" of the Los Angeles Superior Court; and is ambiguous,
28 overbroad, vague, burdensome, and "harassive."

1 III. ARGUMENT

2 A. The Requests Do Not Violate Any Privacy Rights

3 Armstrong has objected to each of the Church's requests by
4 claiming that the requests "violate the right to privacy."
5 Privacy rights are not absolute. The courts must balance the
6 privacy rights of persons subject to discovery against the right
7 of civil litigants to discover relevant facts and the public
8 interest in obtaining just results in litigation. Vinson v.
9 Superior Court (1987) 43 Cal.3d 833, 842, 239 Cal.Rptr. 292, 299;
10 Valley Bank v. Superior Court (1975) 15 Cal.3d 652, 125 Cal.Rptr.
11 553, 555. Even very personal and confidential information may
12 have to be disclosed if "essential to a fair determination of the
13 lawsuit." Morales v. Superior Court (1979) 99 Cal.App.3d 283, 160
14 Cal.Rptr. 194.

15 Armstrong does not identify whose "right to privacy" is
16 allegedly violated by the requests. Even assuming arguendo that
17 Armstrong is attempting to assert his own privacy interests, the
18 objection is simply irrelevant to the Church's requests. The
19 Church seeks documents relating to Armstrong's creation, sale,
20 exploitation and transfer of assets: the very subject matter of
21 this litigation [See Exhibit A to Declaration of Andrew Wilson,
22 Requests 1, 2, 9, 10].

23 Further, Armstrong can hardly claim a "privacy" interest in
24 a document which he displayed on national television. [Ex. D to
25 Wilson Dec., Transcript.] Requests 3 - 8 all seek documents
26 relating to the asset which Armstrong attempted to peddle on the
27 television show, Entertainment Tonight.

28 / / /

1 **B. First Amendment Privileges Are Not Applicable To the**
2 **Requested Documents**

3 Next, Armstrong claims that the requests violate a whole
4 panoply of his First Amendment rights: the rights to freedom of
5 religion, speech, association and press. Armstrong has offered no
6 explanation as to how the Church's reasonable requests for
7 documents relating to his assets could possibly violate any of
8 Armstrong's First Amendment rights. This action is directed at
9 Armstrong's conveyance of assets so as to essentially render
10 himself judgment proof, while at the same time engaging in what he
11 admits (and in fact boasts of) were breaches of the December, 1986
12 settlement agreement with the Church. The Church has been unable
13 to find any authority which even remotely suggests that Armstrong
14 may refuse to produce documents relative to his assets in a
15 fraudulent conveyance action by claiming that such production
16 would somehow violate his right to freely practice his religion,
17 or associate with persons of his choice. The Church's request
18 that Armstrong supply such authority, if any exists, was met with
19 silence. [Wilson Dec., Paragraph 2]

20 **C. All Of The Requests Seek Relevant Documents**

21 C.C.P. §2017(a) provides that a party may obtain discovery

22 [R]egarding any matter, not privileged, that is
23 relevant to the subject matter involved in the pending
24 action ... if the matter either is itself admissible in
25 evidence or appears reasonably calculated to lead to the
26 discovery of admissible evidence. Discovery may relate to
27 the claim or defense of the party seeking discovery or any
28 other party to the action.

26 The discovery provisions are interpreted liberally, with
27 all doubt resolved in favor of permitting discovery. Colonial
28 Life & Acc. Ins. Co. v. Superior Court (1982) 31 Cal.3d 785, 790,

1 183 Cal.Rptr. 810, 813, fn. 7-8; Greyhound Corp. v. Superior
2 Court, 364 P.2d 266, 15 Cal.Rptr. 90; Davies v. Superior Court, 36
3 Cal.3d 291, 204 Cal.Rptr. 154.

4 Here, in a fraudulent conveyance action, the Church has
5 requested that Armstrong produce documents relating to his assets:
6 tangible, intangible, literary, and artistic; and the Church has
7 requested that Armstrong produce documents which relate to
8 transfers of that property to Armstrong's co-defendants. It is
9 difficult to imagine material which is more relevant to a
10 fraudulent conveyance action, or more likely to lead to the
11 discovery of admissible evidence, than these initial ten requests.

12 **D. The Requests Are Specific And Clear**

13 Armstrong also objects that the requests are "burdensome,"
14 "vague," "harassive," and "ambiguous." During meet and confer,
15 the Church asked Armstrong's counsel to identify, for each of the
16 ten requests, what he considered to be vague or unclear, and what
17 about the request presented an undue burden. Mr. Greene did not
18 respond, so the Church is left to wonder what it is about these
19 clear, specifically drawn requests that Armstrong and his counsel
20 do not understand. Each of them asks for documents concerning
21 assets which Armstrong has identified, and which Armstrong has or
22 may have conveyed to others. This is not a "burdensome" request
23 when made in the context of fraudulent conveyance litigation.

24 **E. The Requests Are Not Prohibited By Any Other Court Order**

25 Finally, Armstrong objects by claiming that an order exists
26 which prohibits discovery in this action. In fact, this Court has
27 already denied not one, but two, attempts by Armstrong to stay
28 discovery herein. The cases pending in Los Angeles are, indeed,

1 stayed while the Court of Appeal considers Armstrong's appeal of
2 the preliminary injunction which that Court granted to the Church.
3 Discovery there, however, has nothing to do with discovery here.
4 Nothing in any order of the Los Angeles court can reasonably be
5 construed to prohibit, stay or interfere with discovery here; at
6 most, the stay in those cases has put discovery therein on hold.
7 Armstrong's attempt to parlay that stay into an excuse to refuse
8 to produce documents relevant to this action is frivolous.


9
10 **IV. CONCLUSION**

11 The Church has requested that Armstrong produce documents
12 which concern the creation, sale, exploitation and transfer of
13 assets: documents which directly relate to the claims alleged in
14 the Complaint herein. In response, Armstrong has interjected a
15 lengthy series of inappropriate objections, refused to meet and
16 confer, and refused to produce a single document. Armstrong
17 should be ordered to produce all responsive documents forthwith.

18 Dated: November 23, 1993

Respectfully submitted,

19
20 WILSON, RYAN & CAMPILONGO

21 BY: 
22 Andrew H. Wilson

23 BOWLES & MOXON
24 Laurie J. Bartilson

25 Attorneys for PLAINTIFF
26 CHURCH OF SCIENTOLOGY
27 INTERNATIONAL
28

1 **WILLIAM R. BENZ, ESQ. #037376**
900 Larkspur Landing Circle, Suite 185
2 Larkspur, California 94939
Telephone: (415)461-6633

3 SPECIAL REFEREE
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6
7 **SUPERIOR COURT OF CALIFORNIA**
8 **COUNTY OF MARIN**
9

10 **CHURCH OF SCIENTOLOGY**
11 **INTERNATIONAL, a California not-for-**
profit religious corporation,

12 **Plaintiff,**

13 **vs.**

14 **GERALD ARMSTRONG, MICHAEL**
15 **WALTON, THE GERALD ARMSTRONG**
CORPORATION, a California nor-for-
profit corporation, et al.,

16 **Defendants.**
17

No. 157680

REPORT AND RECOMMENDATION
OF DISCOVERY REFEREE WITH
PROPOSED ORDER RE PLAINTIFF'S
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS BY
DEFENDANTS
and ORDER

Date of Hearing: 2/3/94

18 **ORDER OF REFERENCE**

19 This court has appointed the undersigned, WILLIAM R. BENZ, as special referee
20 in this action for the purpose of supervising, hearing, and determining any and all motions
21 and disputes relating to discovery.

22 **HEARING**

23 A hearing was held on February 3, 1994 at the office of William R. Benz. Present
24 were Laurie Bartilson, Esq. and Andrew H. Wilson, Esq. on behalf of plaintiff; Ford
25 Greene, Esq. on behalf of defendants Gerald Armstrong and the Gerald Armstrong
26 Corporation; and Michael Walton, Esq. on his own behalf. The hearing was reported by
27 Lydia R. Radovich, CSR.
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MATTERS CONSIDERED AND DECIDED

The matters considered and decided were plaintiff's motions to compel production of documents from defendants based upon the following requests:

1. Request for Production No. 1 to defendant Gerald Armstrong.
2. Request for Production No. 2 to defendant Gerald Armstrong.
3. Request for Production No. 1 to defendant Michael Walton.
4. Request for Production No. 1 to defendant Gerald Armstrong Corporation.

FINDINGS AND RECOMMENDATIONS

The special referee finds that good cause exists for the production of documents as set forth below and recommends and proposes that the court order defendants to produce same as set forth in the proposed order.

PROPOSED ORDER

Reference is hereby made to the Requests for Production, copies of which are attached hereto as Exhibits 1 through 4.

Defendants are ordered to produce documents as follows:

1. **Re Plaintiff's First Request for Production to defendant Gerald Armstrong.**
(See Exhibit 1.)

Item 1. Defendant Gerald Armstrong shall produce all such documents relating to any transfers described from 1990 to date. If any are claimed to be privileged, defendant shall furnish a log of each such document. On request, the referee shall review in camera any documents claimed privileged.

Item 2. Defendant Gerald Armstrong shall produce all such documents relating to any transfers described from 1990 to date. If any are claimed to be privileged, defendant shall furnish a log of each such document. On request, the referee shall review in camera any documents claimed privileged.

1 Item 3. Plaintiff's motion for production is denied as to each category on the
2 grounds of relevancy as balanced against defendant's right of privacy. This ruling is
3 without prejudice to a future request if plaintiff can demonstrate relevance.

4 Item 4. Plaintiff's motion for production is denied as to each category on the
5 grounds of relevancy as balanced against defendant's right of privacy. This ruling is
6 without prejudice to a future request if plaintiff can demonstrate relevance.

7 Item 5. Plaintiff's motion for production is denied as to each category on the
8 grounds of relevancy as balanced against defendant's right of privacy. This ruling is
9 without prejudice to a future request if plaintiff can demonstrate relevance.

10 Item 6. Plaintiff's motion for production is denied as to each category on the
11 grounds of relevancy as balanced against defendant's right of privacy. This ruling is
12 without prejudice to a future request if plaintiff can demonstrate relevance.

13 Item 7. Plaintiff's motion for production is denied as to each category on the
14 grounds of relevancy as balanced against defendant's right of privacy. This ruling is
15 without prejudice to a future request if plaintiff can demonstrate relevance.

16 Item 8. Plaintiff's motion for production is denied as to each category on the
17 grounds of relevancy as balanced against defendant's right of privacy. This ruling is
18 without prejudice to a future request if plaintiff can demonstrate relevance.

19 Item 9. Plaintiff's motion for production is denied as to each category on the
20 grounds of relevancy as balanced against defendant's right of privacy. This ruling is
21 without prejudice to a future request if plaintiff can demonstrate relevance.

22 Item 10. Plaintiff's motion for production is denied as to each category on the
23 grounds of relevancy as balanced against defendant's right of privacy. This ruling is
24 without prejudice to a future request if plaintiff can demonstrate relevance.

25 **2. Re Plaintiff's Second Request for Production to defendant Gerald**
26 **Armstrong. (See Exhibit 2.)**

27 Items 1 through 12. Not at issue.
28

1 Item 13. Motion for production is denied. The request is overly broad and
2 constitutes an invasion of privacy without a sufficient showing of need.

3 Item 14. Defendant Gerald Armstrong shall produce said documents in
4 camera for review by the referee as to relevancy and right of privacy.

5 Item 15. Motion for production is denied on the grounds of relevancy and
6 right of privacy. This ruling is without prejudice to a future request if relevancy can be
7 shown to outweigh right of privacy.

8 Items 16 and 17. Not at issue.

9 **3. Re Plaintiff's First Request for Production to defendant Michael Walton.**

10 (See Exhibit 3.)

11 Items 1 through 7. Not at issue.

12 Item 8. Plaintiff withdraws this requests without prejudice.

13 Item 9. Not at issue.

14 Item 10. Motion for production is denied on the grounds it is overly broad.

15 Item 11. Defendant Michael Walton shall produce the documents requested
16 as to any purchase or project that exceeded a cost of \$750.00.

17 Item 12. Defendant Michael Walton shall produce PG&E bills and checks in
18 payment thereof sufficient to be a representative sample of same from 1990 to date.

19 Items 13, 14 and 15. Plaintiff withdraws these requests without prejudice.

20 Items 16 and 17. Not at issue.

21 **4. Re Plaintiff's First Request for Production to defendant Gerald Armstrong**
22 **Corporation. (See Exhibit 4).**

23 Items 1 through 12. Not at issue.

24 Item 13. Motion for production is denied. The request is overly broad and
25 constitutes an invasion of privacy without sufficient showing of need.

26 Item 14. Defendant Gerald Armstrong Corporation shall produce said
27 documents in camera for review by the referee as to relevancy and right of privacy.
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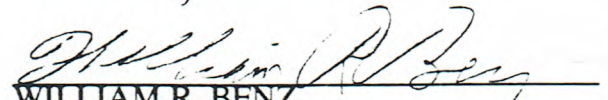
By stipulation the deposition of **Michael Walton**, noticed by plaintiff for February 18, 1994, is continued to **March 18, 1994 at 10:00 a.m.** at the offices of the referee.

Plaintiff has requested that the referee be present at the depositions for expedited rulings on any disputes. Defendants have no objection to the referee being at the deposition, but request that plaintiff's pay the costs.

On review of the history of the litigation, the referee finds that the presence of the referee at the hearing would expedite discovery in a cost efficient manner, and recommends that the parties shall continue to share the costs equally, subject to recommendation by the referee to allocate costs among one or more parties at a later date.

Dated: February 10, 1994

Respectfully submitted,


WILLIAM R. BENZ
Special Referee - Discovery

Having received and considered the foregoing report, and good cause appearing,
The court adopts the above report of the special referee and orders that the parties perform in accordance therewith.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO
2 235 Montgomery Street
Suite 450
3 San Francisco, California 94104
(415) 391-3900

4 Laurie J. Bartilson
5 BOWLES & MOXON
6255 Sunset Boulevard
6 Suite 2000
7 Hollywood, California 90028
(213) 661-4030

8 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY INTERNATIONAL
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

12	CHURCH OF SCIENTOLOGY OF	)	Case No. 157680
	INTERNATIONAL, a California not-)	
13	for-profit religious corporation;	)	PLAINTIFF'S FIRST REQUEST
		)	FOR THE PRODUCTION OF
14	Plaintiff,	)	DOCUMENTS BY DEFENDANT
		)	GERALD ARMSTRONG
15	vs.)	
)	
16	GERALD ARMSTRONG; MICHAEL WALTON;)	
	THE GERALD ARMSTRONG CORPORATION,)	
17	a California for-profit)	
	corporation; DOES 1 through 100,)	
18	inclusive,)	
)	
19	Defendants.)	
)	

20 DEMANDING PARTY: Plaintiff Church of Scientology International
21 RESPONDING PARTY: Defendant Gerald Armstrong
22 SET NO.: 1

23 Plaintiff Church of Scientology International ("plaintiff")
24 demands, pursuant to C.C.P. §2031, that defendant, Gerald
25 Armstrong, produce the items described below, for inspection and
26 copying by plaintiff's attorneys, on September 13, 1993 at 10:00
27 a.m. at the offices of Wilson, Ryan & Campilongo, located at 235
28

EXHIBIT A

1 Montgomery Street, Suite 450, San Francisco, California 94104.

2 DEFINITIONS AND EXPLANATIONS:

3 1. As used herein, the term "document" includes all
4 written, typewritten, printed and graphic materials of whatever
5 kind or nature, including, but not limited to, correspondence,
6 notes, memoranda, telegrams and cables, telexes, telecopies,
7 panafaxes, publications, contracts, agreements, insurance
8 policies, minutes, offers, analyses, projections, treatments,
9 studies, books, papers, records, reports, lists, calendars,
10 diaries, statements, complaints, filings with any court, tribunal
11 or governmental agency, corporate minutes, partnerships,
12 agreements, ledgers, transcripts, summaries, agendas, bills,
13 invoices, receipts, estimates, evaluations, personnel files,
14 certificates, instructions, manuals, bulletins, advertisements,
15 periodicals, accounting records, checks, check stubs, check
16 registers, canceled checks, money orders, negotiable instruments,
17 sound recordings, films, photographs, mechanical or electronic
18 recordings, tapes, transcriptions, blueprints, computer programs
19 and data, data processing cards, x-rays, laboratory reports and
20 all other medical tests and test results.

21 2. As used herein, the term "document" further means all
22 writings, originals and duplicates as defined in California
23 Evidence Code Sections 250, 255 and 260, whether in draft or
24 otherwise, including but not limited to, copies and non-identical
25 copies (whether different from the originals because of notes or
26 marks made on or attached to said copies or otherwise).

27 3. The words "and" and "or" as used herein shall both mean
28 "and/or."

1 4. The term "you" as used herein means defendant Gerald
2 Armstrong, his employees, agents, representatives, attorneys, or
3 assigns.

4 DOCUMENTS AND THINGS TO BE PRODUCED:

5 1. All documents which in any way constitute, discuss,
6 evidence, mention, concern, relate or refer to the transfer of
7 assets, money, liabilities, literary works, works of art, shares
8 of stock or real, personal, or intangible property of any kind
9 between you and The Gerald Armstrong Corporation at any time;

10 2. All documents which in any way constitute, discuss,
11 evidence, mention, concern, relate or refer to the transfer of
12 assets, money, liabilities, literary works, works of art, shares
13 of stock or real, personal, or intangible property of any kind
14 between you and Michael Walton at any time;

15 3. All documents which in any way constitute, discuss,
16 mention, concern, relate or refer to that document shown on
17 Entertainment Television's "Entertainment Tonight" on August 5,
18 1993, and bearing the designation: "ONE HELL OF A STORY An
19 Original Treatment Written for Motion Picture Purposes Created
20 and Written by Gerald Armstrong;"

21 4. All documents which in any way constitute, mention,
22 concern, relate or refer to any motion picture, documentary,
23 video treatment, teleplay, screenplay, article, story, treatment,
24 project or script prepared by you which contains any reference to
25 plaintiff, Scientology, or any of the entities or individuals
26 listed in paragraph 1 of the "Mutual Release of All Claims and
27 Settlement Agreement" of December, 1986;

28 5. All correspondence of any kind received by you or the

1 Gerald Armstrong Corporation from Entertainment Television, its
2 employees, agents, representatives, attorneys, officers,
3 directors or assigns, after December 6, 1986, which relates to or
4 concerns the plaintiff, Scientology, or any of the entities or
5 individuals listed or referred to in paragraph 1 of the "Mutual
6 Release of All Claims and Settlement Agreement" of December,
7 1986;

8 6. All correspondence of any kind sent by you or the
9 Gerald Armstrong Corporation to Entertainment Television, its
10 employees, agents, representatives, attorneys, officers,
11 directors or assigns, after December 6, 1986, which relates to or
12 concerns the plaintiff, Scientology, or any of the entities or
13 individuals listed or referred to in paragraph 1 of the "Mutual
14 Release of All Claims and Settlement Agreement" of December,
15 1986;

16 7. All correspondence of any kind sent by you or the
17 Gerald Armstrong Corporation to anyone which in any way
18 discusses, mentions, concerns, relates or refers to that document
19 shown on Entertainment Television's "Entertainment Tonight" on
20 August 5, 1993, and bearing the designation: "ONE HELL OF A STORY
21 An Original Treatment Written for Motion Picture Purposes Created
22 and Written by Gerald Armstrong;"

23 8. All correspondence of any kind received by you or the
24 Gerald Armstrong Corporation from anyone which in any way
25 discusses, mentions, concerns, relates or refers to that document
26 shown on Entertainment Television's "Entertainment Tonight" on
27 August 5, 1993, and bearing the designation: "ONE HELL OF A STORY
28 An Original Treatment Written for Motion Picture Purposes Created

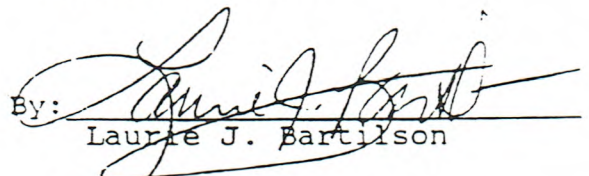
1 and Written by Gerald Armstrong;"

2 9. All correspondence of any kind sent by you or the
3 Gerald Armstrong Corporation to anyone which in any way
4 discusses, mentions, concerns, relates or refers to any document
5 authored by you, in whole or in part, including but not limited
6 to manuscripts, screenplays, motion picture treatments,
7 "fictionalizations," plays, articles, or scripts, which discuss,
8 mention, concern, relate, or refer to the plaintiff, Scientology,
9 or any of the entities or individuals listed or referred to in
10 paragraph 1 of the "Mutual Release of All Claims and Settlement
11 Agreement" of December, 1986;

12 10. All correspondence of any kind received by you or the
13 Gerald Armstrong Corporation from anyone which in any way
14 discusses, mentions, concerns, relates or refers to any document
15 authored by you, in whole or in part, including but not limited
16 to manuscripts, screenplays, motion picture treatments,
17 "fictionalizations," plays, articles, or scripts, which discuss,
18 mention, concern, relate, or refer to the plaintiff, Scientology,
19 or any of the entities or individuals listed or referred to in
20 paragraph 1 of the "Mutual Release of All Claims and Settlement
21 Agreement" of December, 1986.

22 Dated: August 9, 1993

BOWLES & MCXON

23
24 By: 
Laurie J. Bartilson

25
26 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

27 Attorneys for Plaintiff
28 Church of Scientology
International

1 Andrew H. Wilson
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5 Laurie J. Bartilson
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6 Suite 2000
Hollywood, California 90028
7 (213) 953-3360

8 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY INTERNATIONAL
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY OF) Case No. 157680
INTERNATIONAL, a California not-)
13 for-profit religious corporation;) PLAINTIFF'S SECOND REQUEST
14 Plaintiff,) FOR THE PRODUCTION OF
DOCUMENTS BY DEFENDANT
15 vs.) GERALD ARMSTRONG
16 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
17 a California for-profit)
corporation; DOES 1 through 100,)
18 inclusive,)
19 Defendants.)
20

21 DEMANDING PARTY: Plaintiff Church of Scientology International

22 RESPONDING PARTY: Defendant Gerald Armstrong

23 SET NO.: 2

24 Plaintiff Church of Scientology International ("plaintiff")
25 demands, pursuant to C.C.P. § 2031, that defendant Gerald
26 Armstrong produce the items described below for inspection and
27 copying by plaintiff's attorneys on October 20, 1993 at 10 a.m.
28 at the offices of Wilson, Ryan & Campilongo, located at 235

1 Montgomery Street, Suite 450, San Francisco, California 94104.

2 DEFINITIONS AND EXPLANATIONS:

3 1. As used herein, the term "document" includes all
4 written, typewritten, printed and graphic materials of whatever
5 kind or nature, including, but not limited to, correspondence,
6 notes, memoranda, telegrams and cables, telexes, telecopies,
7 panafaxes, publications, contracts, agreements, insurance
8 policies, minutes, offers, analyses, projections, treatments,
9 studies, books, papers, records, reports, lists, calendars,
10 diaries, statements, complaints, filings with any court, tribunal
11 or governmental agency, corporate minutes, partnerships,
12 agreements, ledgers, transcripts, summaries, agendas, bills,
13 invoices, receipts, estimates, evaluations, personnel files,
14 certificates, instructions, manuals, bulletins, advertisements,
15 periodicals, accounting records, checks, check stubs, check
16 registers, canceled checks, money orders, negotiable instruments,
17 sound recordings, films, photographs, mechanical or electronic
18 recordings, tapes, transcriptions, blueprints, computer programs
19 and data, data processing cards, x-rays, laboratory reports and
20 all other medical tests and test results.

21 2. As used herein, the term "document" further means all
22 writings, originals and duplicates as defined in California
23 Evidence Code Sections 250, 255 and 260, whether in draft or
24 otherwise, including but not limited to, copies and non-identical
25 copies (whether different from the originals because of notes or
26 marks made on or attached to said copies or otherwise).

27 3. The words "and" and "or" as used herein shall both mean
28 "and/or."

1 4. The term "you" as used herein means defendant Gerald
2 Armstrong, his employees, agents, representatives, attorneys, or
3 assigns.

4 DOCUMENTS AND THINGS TO BE PRODUCED:

5 1. All documents relating to the passing of title or
6 conveyance of the property known as 707 Fawn Drive, San Anselmo,
7 California, and more particularly described as follows:

8 PARCEL ONE

9 PARCEL TWO as shown upon that certain Parcel Map
10 entitled, "Parcel Map Lands of California Land Title
11 Portion Lands described in book 2887 of Official
12 Records, at page 367, also being Portion of Lots 501
13 and 501-A unrecorded Map of Sleepy Hollow Acres,
Vicinity of San Anselmo, Marin County, California,
14 filed for record April 8, 1976 in Volume 12 of Parcel
15 Maps, at page 43, Marin County Records.

16 EXCEPTING THEREFROM that portion deeded to Alain Pigois
17 and Nina Pigois, husband and wife, as community
18 property, by Deed recorded February 27, 1989, Serial
19 No. 89 13373.

20 PARCEL TWO

21 AN EASEMENT for ingress, egress and public utility
22 purposes described as follows:

23 BEGINNING at a point on the centerline of Fawn Drive,
24 said point being the most southwesterly corner of
25 Parcel 3, as shown upon that certain map entitled,
26 "Parcel Map Lands of California Land Title Portion
27 Lands described in Book 2887 of Official Records, at
28 page 367, also being a portion of Lots 501 and 501-A,
unrecorded Map of Sleepy Hollow Acres, Vicinity of San
Anselmo, Marin County, California", filed for record
April 9, 1976 in Volume 12 of Parcel Maps, at page 43,
Marin County Records, said point also being the
intersection of the calls "South 26' 20' East 135 feet
and North 63' 40' East 20 feet" as contained in Parcel
2 of the Deed executed by California Land Title
Company, a corporation to Michael C. McGuckin, et ux,
recorded March 26, 1976 in Book 3010 of Official
Records, at page 190, Marin County Records; thence from
said point of beginning and along the exterior boundary
of said Parcel 3, North 63' 40' East 20 feet; thence
North 75' 07' 20" East 164.00 feet; thence leaving said
exterior boundary of Parcel 3, North 12' 41' East 85.00

1 feet; thence North 30° 45' West 126.00 feet, thence
2 North 13° 30' East 79.21 feet to the northwesterly
3 boundary of Parcel 1, as shown upon that certain map
4 referred to hereinabove; thence along the exterior
5 boundary of said Parcel 1, South 84° 00' west 75.70
6 feet to the most Northerly corner of the parcel of land
7 described in the Deed executed by Charles B. Robertson,
8 et ux, to Paul Hopkins Talbot, Jr., et ux, recorded
9 January 30, 1956 in book 1002 of Official Records, at
page 623, Marin County Records; thence 111.77 feet,
thence leaving said exterior boundary of Parcel 1,
South 18° 45' East 95.06 feet thence South 21° 48' West
70.66 feet; thence South 75° 07' 20" West 160.00 feet
to the certline of Fawn Drive; thence along the
exterior boundary of said Parcel 3, also being the
centerline of "Fawn Drive, South 26° 20' East 34.46
feet to the point of beginning.

10 (the "PROPERTY"), from the date of acquisition to the present,
11 including all documents relating to the acquisition of the
12 PROPERTY. Such documents shall include those relating to any
13 passing of title or conveyance to Michael Walton.

14 2. All documents evidencing or relating to the state of
15 title of the PROPERTY or any portion thereof when you first
16 received title to the PROPERTY.

17 3. All documents evidencing, relating to or comprising
18 agreements with Michael Walton relating to the PROPERTY
19 including, but not limited to, agreements of co-ownership and
20 respective amounts of contribution towards down payment and
21 mortgage payments.

22 4. All documents evidencing, relating to or comprising
23 property tax bills or property tax statements for the PROPERTY
24 that have been incurred or received at any time from the
25 acquisition of the PROPERTY until the present.

26 5. All documents comprising or relating to payments made,
27 including checks or money orders or other documentation of
28 payments made on the aforementioned property tax bills.

1 6. All documents comprising or relating to any agreement
2 concerning liens, easements, rights of way, mineral rights, water
3 rights, leaseholds and any other interest in the PROPERTY.

4 7. All documents evidencing, comprising or relating to any
5 liens, encumbrances, foreclosure actions, whether pending or not,
6 on the PROPERTY including but not limited to, documents relating
7 to any payment or partial payment toward a lien, foreclosure
8 action or other encumbrance.

9 8. All documents, including loan applications, relating to
10 any loans secured by the PROPERTY at any time from the
11 acquisition of the PROPERTY by you to the present whether or not
12 said loan(s) is/are repaid. If said loan(s) is/are repaid, even
13 if you were not the person(s) who repaid it, please provide all
14 documents relating to said repayment.

15 9. All documents comprising, evidencing or relating to
16 payment made or other exchange applied for any transfer of title
17 on the PROPERTY from 1986 until the present. This is to include,
18 but not be limited to, cancelled checks or receipts.

19 10. All documents comprising, evidencing, or reflecting
20 bills or invoices, and payments thereon, of household maintenance
21 from the acquisition of the PROPERTY by you to the present.

22 11. All documents comprising, evidencing or relating to
23 bills or invoices, contracts, oral or written, and payments
24 thereon of subcontractors, materialmen, suppliers or other
25 individuals or business entities who provided labor, material or
26 supplies for the modification of the PROPERTY at any time from
27 the acquisition of the PROPERTY to the present.

28 12. All documents comprising, evidencing or relating to

1 payments to any utility companies for the utilities at the
2 PROPERTY at any time from the acquisition of the PROPERTY to the
3 present.

4 13. All documents reflecting the names, addresses and
5 telephone numbers of all accountants, accounting firms and other
6 persons or businesses that you retained to manage, analyze,
7 monitor or keep records of your business and personal financial
8 affairs and assets, including the financial affairs and assets of
9 The Gerald Armstrong Corporation, from January 1, 1986 to the
10 present.

11 14. All documents reflecting your financial condition,
12 business and personal affairs and assets, including the financial
13 affairs and assets of The Gerald Armstrong Corporation, from
14 January 1, 1986 to the present. Such documents shall include but
15 not be limited to financial statements, profit and loss
16 statements, income and expense statements, asset statements and
17 balance sheets.

18 15. All documents reflecting the name, address and
19 telephone number of the locations at which all your business,
20 personal and banking accounts, including those of The Gerald
21 Armstrong Corporation, are maintained.

22 16. All documents which refer to, relate to, mention,
23 discuss, concern or evidence, without limitation, any transfer of
24 cash and/or shares of stock in The Gerald Armstrong Corporation
25 made by you to Michael Walton or any person or corporation from
26 July 1990 until the present.

27 17. All documents which refer to, relate to, mention,
28 discuss, concern or evidence, without limitation, any property,

1 cash or other asset received by you, of any kind whatsoever, in
2 exchange for every transfer of cash and/or shares of stock in The
3 Gerald Armstrong Corporation made by you to Michael Walton or any
4 person or corporation from July 1990 until the present.

5 Dated: September 16, 1993

BOWLES & MOXON

6
7 By:

Laurie J. Bartilson
Laurie J. Bartilson *by att*

8
9 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

10 Attorneys for Plaintiff
11 Church of Scientology
12 International
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3 235 Montgomery Street
4 Suite 450
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9 6255 Sunset Boulevard
10 Suite 2000
11 Hollywood, California 90028
12 (213) 953-3360

13 Attorneys for Plaintiff
14 CHURCH OF SCIENTOLOGY INTERNATIONAL
15

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF MARIN

18 CHURCH OF SCIENTOLOGY OF) Case No. 157680
19 INTERNATIONAL, a California not-)
20 for-profit religious corporation;) PLAINTIFF'S FIRST REQUEST
21 Plaintiff,) FOR THE PRODUCTION OF
22) DOCUMENTS BY DEFENDANT
23) MICHAEL WALTON
24 vs.)
25)
26 GERALD ARMSTRONG; MICHAEL WALTON;)
27 THE GERALD ARMSTRONG CORPORATION,)
28 a California for-profit)
corporation; DOES 1 through 100,)
inclusive,)
Defendants.)

29 DEMANDING PARTY: Plaintiff Church of Scientology International

30 RESPONDING PARTY: Defendant Michael Walton

31 SET NO.: 1

32 Plaintiff Church of Scientology International ("plaintiff")
33 demands, pursuant to C.C.P. § 2031, that defendant Michael Walton
34 produce the items described below for inspection and copying by
35 plaintiff's attorneys on October 20, 1993 at 10 a.m. at the
36 offices of Wilson, Ryan & Campilongo, located at 235 Montgomery

1 Street, Suite 450, San Francisco, California 94104.

2 DEFINITIONS AND EXPLANATIONS:

3 1. As used herein, the term "document" includes all
4 written, typewritten, printed and graphic materials of whatever
5 kind or nature, including, but not limited to, correspondence,
6 notes, memoranda, telegrams and cables, telexes, telecopies,
7 panafaxes, publications, contracts, agreements, insurance
8 policies, minutes, offers, analyses, projections, treatments,
9 studies, books, papers, records, reports, lists, calendars,
10 diaries, statements, complaints, filings with any court, tribunal
11 or governmental agency, corporate minutes, partnerships,
12 agreements, ledgers, transcripts, summaries, agendas, bills,
13 invoices, receipts, estimates, evaluations, personnel files,
14 certificates, instructions, manuals, bulletins, advertisements,
15 periodicals, accounting records, checks, check stubs, check
16 registers, canceled checks, money orders, negotiable instruments,
17 sound recordings, films, photographs, mechanical or electronic
18 recordings, tapes, transcriptions, blueprints, computer programs
19 and data, data processing cards, x-rays, laboratory reports and
20 all other medical tests and test results.

21 2. As used herein, the term "document" further means all
22 writings, originals and duplicates as defined in California
23 Evidence Code Sections 250, 255 and 260, whether in draft or
24 otherwise, including but not limited to, copies and non-identical
25 copies (whether different from the originals because of notes or
26 marks made on or attached to said copies or otherwise).

27 3. The words "and" and "or" as used herein shall both mean
28 "and/or."

1 4. The term "you" as used herein means defendant Michael
2 Walton, his employees, agents, representatives, attorneys, or
3 assigns.

4 DOCUMENTS AND THINGS TO BE PRODUCED:

5 1. All documents relating to the passing of title or
6 conveyance of the property known as 707 Fawn Drive, San Anselmo,
7 California, and more particularly described as follows:

8 PARCEL ONE

9 PARCEL TWO as shown upon that certain Parcel Map
10 entitled, "Parcel Map Lands of California Land Title
11 Portion Lands described in book 2887 of Official
12 Records, at page 367, also being Portion of Lots 501
13 and 501-A unrecorded Map of Sleepy Hollow Acres,
Vicinity of San Anselmo, Marin County, California,
14 filed for record April 8, 1976 in Volume 12 of Parcel
15 Maps, at page 43, Marin County Records.

16 EXCEPTING THEREFROM that portion deeded to Alain Pigois
17 and Nina Pigois, husband and wife, as community
18 property, by Deed recorded February 27, 1989, Serial
19 No. 89 13373.

20 PARCEL TWO

21 AN EASEMENT for ingress, egress and public utility
22 purposes described as follows:

23 BEGINNING at a point on the centerline of Fawn Drive,
24 said point being the most southwesterly corner of
25 Parcel 3, as shown upon that certain map entitled,
26 "Parcel Map Lands of California Land Title Portion
27 Lands described in Book 2887 of Official Records, at
28 page 367, also being a portion of Lots 501 and 501-A,
unrecorded Map of Sleepy Hollow Acres, Vicinity of San
Anselmo, Marin County, California", filed for record
April 9, 1976 in Volume 12 of Parcel Maps, at page 43,
Marin County Records, said point also being the
intersection of the calls "South 26° 20' East 135 feet
and North 63° 40' East 20 feet" as contained in Parcel
2 of the Deed executed by California Land Title
Company, a corporation to Michael C. McGuckin, et ux,
recorded March 26, 1976 in Book 3010 of Official
Records, at page 190, Marin County Records; thence from
said point of beginning and along the exterior boundary
of said Parcel 3, North 63° 40' East 20 feet; thence
North 75° 07' 20" East 164.00 feet; thence leaving said
exterior boundary of Parcel 3, North 12° 41' East 85.00

1 feet; thence North 30° 45' West 126.00 feet, thence
2 North 13° 30' East 79.21 feet to the northwesterly
3 boundary of Parcel 1, as shown upon that certain map
4 referred to hereinabove; thence along the exterior
5 boundary of said Parcel 1, South 84° 00' west 75.70
6 feet to the most Northerly corner of the parcel of land
7 described in the Deed executed by Charles B. Robertson,
8 et ux, to Paul Hopkins Talbot, Jr., et ux, recorded
9 January 30, 1956 in book 1002 of Official Records, at
page 623, Marin County Records; thence 111.77 feet,
thence leaving said exterior boundary of Parcel 1,
South 18° 45' East 95.06 feet thence South 21° 48' West
70.66 feet; thence South 75° 07' 20" West 160.00 feet
to the certline of Fawn Drive; thence along the
exterior boundary of said Parcel 3, also being the
centerline of "Fawn Drive, South 26° 20' East 34.46
feet to the point of beginning.

10 (the "PROPERTY"), from the date of acquisition to the present,
11 including all documents relating to the acquisition of the
12 PROPERTY. Such documents shall include those relating to any
13 passing of title or conveyance to you by Gerald Armstrong.

14 2. All documents evidencing or relating to title of the
15 PROPERTY or any portion thereof when you first received title to
16 the PROPERTY.

17 3. All documents evidencing, comprising or relating to
18 agreements with Gerald Armstrong and/or The Gerald Armstrong
19 Corporation relating to the PROPERTY including, but not limited
20 to, agreements of co-ownership and respective amounts of
21 contribution towards down payment and mortgage payments.

22 4. All documents evidencing, relating to or comprising
23 property tax bills or property tax statements for the PROPERTY
24 that have been incurred or received at any time from December
25 1986 until the present.

26 5. All documents comprising or relating to payments made,
27 including checks or money orders or other documentation of
28 payments made on the aforementioned property tax bills.

1 6. All documents comprising or relating to any agreement
2 concerning liens, easements, rights of way, mineral rights, water
3 rights, leaseholds and any other interest in the PROPERTY.

4 7. All documents evidencing, comprising or relating to any
5 liens, encumbrances, foreclosure actions, whether pending or not,
6 on the PROPERTY including but not limited to, documents relating
7 to any payment or partial payment toward a lien, foreclosure
8 action or other encumbrance.

9 8. All documents, including loan applications, relating to
10 any loans secured by the PROPERTY at any time from the
11 acquisition of the PROPERTY by you to the present whether or not
12 said loan(s) is/are repaid. If said loan(s) is/are repaid, even
13 if you were not the person(s) who repaid it, please provide all
14 documents relating to said repayment.

15 9. All documents comprising, evidencing or relating to
16 payment made or other exchange applied for any transfer of title
17 on the PROPERTY from 1986 until the present. This is to include,
18 but not be limited to, cancelled checks or receipts.

19 10. All documents comprising, evidencing or reflecting
20 bills or invoices, and payments thereon, of household maintenance
21 from the acquisition of any portion of the PROPERTY by you to the
22 present.

23 11. All documents comprising, evidencing or relating to
24 bills or invoices, contracts, oral or written, and payments
25 thereon of subcontractors, materialmen, suppliers or other
26 individuals or business entities who provided labor, material or
27 supplies for the modification of the PROPERTY at any time from
28 the acquisition by you of any portion of the PROPERTY to the

1 present.

2 12. All documents comprising, evidencing or relating to
3 payments to any utility companies for the utilities at the
4 PROPERTY at any time from the acquisition by you of any portion
5 of the PROPERTY to the present.

6 13. All documents reflecting the names, addresses and
7 telephone numbers of all accountants, accounting firms and other
8 persons or businesses that you retained to manage, analyze,
9 monitor or keep records of your business and personal financial
10 affairs and assets, from July 1, 1990 to the present.

11 14. All documents reflecting your financial condition from
12 January 1, 1990 to the present. Such documents shall include but
13 not be limited to financial statements, profit and loss
14 statements, income and expense statements, asset statements and
15 balance sheets.

16 15. All documents reflecting the names, addresses and
17 telephone numbers of the locations at which all your business,
18 personal and banking accounts, including those of The Gerald
19 Armstrong Corporation, are maintained.

20 16. All documents which refer to, relate to, mention,
21 discuss, concern or evidence, without limitation, any transfer of
22 cash and/or shares of stock in The Gerald Armstrong Corporation
23 made by Gerald Armstrong to you or any person or corporation from
24 July 1, 1990 until the present.

25 17. All documents which refer to, relate to, mention,
26 discuss, concern or evidence, without limitation, any property,
27 cash or other asset paid by you, of any kind whatsoever, in
28 exchange for every transfer of cash and/or shares of stock in The

1 Gerald Armstrong Corporation made to you by Gerald Armstrong.

2 Dated: September 16, 1993

BOWLES & MOXON

3

4

By: Laurie J. Bartilson
Laurie J. Bartilson *By*

5

6

Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

7

Attorneys for Plaintiff
Church of Scientology
International

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28

1 Andrew H. Wilson
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2 235 Montgomery Street
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(415) 391-3900

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5 Laurie J. Bartilson
BOWLES & MOXON
6255 Sunset Boulevard
6 Suite 2000
Hollywood, California 90028
7 (213) 953-3360

8 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY INTERNATIONAL
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY OF) Case No. 157680
INTERNATIONAL, a California not-)
13 for-profit religious corporation;) PLAINTIFF'S FIRST REQUEST
) FOR THE PRODUCTION OF
14 Plaintiff,) DOCUMENTS BY DEFENDANT THE
) GERALD ARMSTRONG
15 vs.) CORPORATION
)
16 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
17 a California for-profit)
corporation; DOES 1 through 100,)
18 inclusive,)
)
19 Defendants.)
)
20

21 DEMANDING PARTY: Plaintiff Church of Scientology International

22 RESPONDING PARTY: Defendant The Gerald Armstrong Corporation

23 SET NO.: 1

24 Plaintiff Church of Scientology International ("plaintiff")
25 demands, pursuant to C.C.P. § 2031, that defendant The Gerald
26 Armstrong Corporation ("GAC") produce the items described below
27 for inspection and copying by plaintiff's attorneys on October
28 20, 1993 at 10 a.m. at the offices of Wilson, Ryan & Campilongo.

1 located at 235 Montgomery Street, Suite 450, San Francisco,
2 California 94104.

3 DEFINITIONS AND EXPLANATIONS:

4 1. As used herein, the term "document" includes all
5 written, typewritten, printed and graphic materials of whatever
6 kind or nature, including, but not limited to, correspondence,
7 notes, memoranda, telegrams and cables, telexes, telecopies,
8 panafaxes, publications, contracts, agreements, insurance
9 policies, minutes, offers, analyses, projections, treatments,
10 studies, books, papers, records, reports, lists, calendars,
11 diaries, statements, complaints, filings with any court, tribunal
12 or governmental agency, corporate minutes, partnerships,
13 agreements, ledgers, transcripts, summaries, agendas, bills,
14 invoices, receipts, estimates, evaluations, personnel files,
15 certificates, instructions, manuals, bulletins, advertisements,
16 periodicals, accounting records, checks, check stubs, check
17 registers, canceled checks, money orders, negotiable instruments,
18 sound recordings, films, photographs, mechanical or electronic
19 recordings, tapes, transcriptions, blueprints, computer programs
20 and data, data processing cards, x-rays, laboratory reports and
21 all other medical tests and test results.

22 2. As used herein, the term "document" further means all
23 writings, originals and duplicates as defined in California
24 Evidence Code Sections 250, 255 and 260, whether in draft or
25 otherwise, including but not limited to, copies and non-identical
26 copies (whether different from the originals because of notes or
27 marks made on or attached to said copies or otherwise).

28 3. The words "and" and "or" as used herein shall both mean

1 "and/or.

2 4. The term "you" as used herein means defendant Gerald
3 Armstrong Corporation, its employees, agents, representatives,
4 attorneys, or assigns.

5 DOCUMENTS AND THINGS TO BE PRODUCED:

6 1. All documents relating to the passing of title or
7 conveyance of the property known as 707 Fawn Drive, San Anselmo,
8 California, and more particularly described as follows:

9 PARCEL ONE

10 PARCEL TWO as shown upon that certain Parcel Map
11 entitled, "Parcel Map Lands of California Land Title
12 Portion Lands described in book 2887 of Official
13 Records, at page 367, also being Portion of Lots 501
14 and 501-A unrecorded Map of Sleepy Hollow Acres,
Vicinity of San Anselmo, Marin County, California,
filed for record April 8, 1976 in Volume 12 of Parcel
Maps, at page 43, Marin County Records.

15 EXCEPTING THEREFROM that portion deeded to Alain Pigois
16 and Nina Pigois, husband and wife, as community
property, by Deed recorded February 27, 1989, Serial
No. 89 13373.

17 PARCEL TWO

18 AN EASEMENT for ingress, egress and public utility
19 purposes described as follows:

20 BEGINNING at a point on the centerline of Fawn Drive,
21 said point being the most southwesterly corner of
22 Parcel 3, as shown upon that certain map entitled,
23 "Parcel Map Lands of California Land Title Portion
24 Lands described in Book 2887 of Official Records, at
25 page 367, also being a portion of Lots 501 and 501-A,
26 unrecorded Map of Sleepy Hollow Acres, Vicinity of San
27 Anselmo, Marin County, California", filed for record
28 April 9, 1976 in Volume 12 of Parcel Maps, at page 43,
Marin County Records, said point also being the
intersection of the calls "South 26° 20' East 135 feet
and North 63° 40' East 20 feet" as contained in Parcel
2 of the Deed executed by California Land Title
Company, a corporation to Michael C. McGuckin, et ux,
recorded March 26, 1976 in Book 3010 of Official
Records, at page 190, Marin County Records; thence from
said point of beginning and along the exterior boundary
of said Parcel 3, North 63° 40' East 20 feet; thence

1 North 75° 07' 20" East 164.00 feet; thence leaving said
2 exterior boundary of Parcel 3, North 12° 41' East 85.00
3 feet; thence North 30° 45' West 126.00 feet, thence
4 North 13° 30' East 79.21 feet to the northwesterly
5 boundary of Parcel 1, as shown upon that certain map
6 referred to hereinabove; thence along the exterior
7 boundary of said Parcel 1, South 84° 00' west 75.70
8 feet to the most Northerly corner of the parcel of land
9 described in the Deed executed by Charles B. Robertson,
10 et ux, to Paul Hopkins Talbot, Jr., et ux, recorded
11 January 30, 1956 in book 1002 of Official Records, at
12 page 623, Marin County Records; thence 111.77 feet,
13 thence leaving said exterior boundary of Parcel 1,
14 South 18° 45' East 95.06 feet thence South 21° 48' West
15 70.66 feet; thence South 75° 07' 20" West 160.00 feet
16 to the certline of Fawn Drive; thence along the
17 exterior boundary of said Parcel 3, also being the
18 centerline of "Fawn Drive, South 26° 20' East 34.46
19 feet to the point of beginning.

20 (the "PROPERTY"), from the date of acquisition to the present,
21 including all documents relating to the acquisition of the
22 PROPERTY.
23

24 2. All documents evidencing or relating to the state of
25 title of the PROPERTY or any portion thereof, any estate therein.

26 3. All documents comprising, evidencing or relating to any
27 agreement between you and/or Gerald Armstrong and/or Michael
28 Walton relating to the PROPERTY including, but not limited to,
agreements of co-ownership and respective amounts of contribution
towards down payment and mortgage payments.

4. All documents comprising, evidencing or relating to
property tax bills or property tax statements for the PROPERTY
that have been incurred or received at any time from December
1986 until the present.

5. All documents comprising or relating to payments made,
including checks or money orders or other documentation of
payments made on the aforementioned property tax bills.

6.- All documents comprising or relating to any agreement

1 concern, liens, easements, rights of way, mineral rights, water
2 rights, leaseholds and any other interest in the PROPERTY.

3 7. All documents evidencing, comprising or relating to any
4 liens, encumbrances, foreclosure actions, whether pending or not,
5 on the PROPERTY including but not limited to, documents relating
6 to any payment or partial payment toward any such liens,
7 foreclosure actions or other encumbrance.

8 8. All documents, including loan applications, relating to
9 any loans secured by the PROPERTY at any time from the
10 acquisition of the PROPERTY by you to the present whether or not
11 said loan(s) is/are repaid. If said loan(s) is/are repaid, even
12 if you were not the entity who repaid it, please provide all
13 documents relating to said repayment.

14 9. All documents comprising, evidencing or relating to
15 payment made or other exchange applied for any transfer of title
16 on the PROPERTY from 1986 until the present. This is to include,
17 but not be limited to, cancelled checks or receipts.

18 10. All documents comprising, evidencing or reflecting
19 bills or invoices, and payments thereon, of maintenance of the
20 Property from the acquisition of any portion of the PROPERTY by
21 you, Gerald Armstrong or Michael Walton to the present.

22 11. All documents comprising, evidencing or relating to
23 bills or invoices, contracts, oral or written, and payments
24 thereon of subcontractors, materialmen, suppliers or other
25 individuals or business entities who provided labor, material or
26 supplies for the modification of the PROPERTY at any time from
27 the acquisition by you, Gerald Armstrong or Michael Walton of any
28 portion of the PROPERTY to the present.

1 12. All documents comprising, evidencing or relating to
2 payments to any utility companies for the utilities at the
3 PROPERTY at any time from the acquisition by you, Gerald
4 Armstrong or Michael Walton of any portion of the PROPERTY to the
5 present.

6 13. All documents reflecting the names, addresses and
7 telephone numbers of all accountants, accounting firms and other
8 persons or businesses that you retained to manage, analyze,
9 monitor or keep records of your business and financial affairs
10 and assets, from January 1, 1987 to the present.

11 14. All documents reflecting your financial condition.
12 Such documents shall include but not be limited to financial
13 statements, profit and loss statements, income and expense
14 statements, asset statements, balance sheets and loan
15 applications.

16 15. All documents reflecting the names, addresses and
17 telephone numbers of the locations at which all your business,
18 personal and banking accounts, including those of The Gerald
19 Armstrong Corporation, are maintained.

20 16. All documents which refer to, relate to, mention,
21 discuss, concern or evidence, without limitation, any stock
22 offering made by you from January 1, 1987 until the present.

23 17. All documents which refer to, relate to, mention,
24 discuss, concern or evidence, without limitation, any transfer of
25 shares in GAC made by anyone from January 1, 1987 until the
26 present.

27 18. All documents which refer to, relate to, mention,
28 discuss, concern or evidence, without limitation, any transfer of

1 assets from Gerald Armstrong to you from January 1, 1987 until
2 the present.

3 19. All documents which refer to, relate to, mention,
4 discuss, concern or evidence, without limitation, any loans made
5 to you by any person from January 1, 1987 until the present.

6 20. All documents reflecting the names and titles of all
7 employees who worked for you from January 1, 1987 to the present.

8 21. All documents which refer to, relate to, mention,
9 discuss, concern or evidence, without limitation, any payments
10 made by you to Gerald Armstrong from January 1, 1987 until the
11 present.

12 22. All documents which refer to, relate to, mention,
13 discuss, concern or evidence, without limitation, any payments
14 made by you to Michael Walton from January 1, 1987 until the
15 present.

16 23. All documents which refer to, relate to, mention,
17 discuss, concern or evidence, without limitation, any property,
18 cash or other asset paid by you, of any kind whatsoever, in
19 exchange for every transfer of cash and/or shares of stock in The
20 Gerald Armstrong Corporation made to you by Gerald Armstrong.

21 Dated: September 16, 1993

BOWLES & MOXON

22

23

By: Laurie J. Bartilson

24

Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

25

26

Attorneys for Plaintiff
Church of Scientology
International

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PROOF OF SERVICE BY MAIL

I am employed in the County of Marin. I am over the age of eighteen years and not a party to the within action; my business address is 900 Larkspur Landing Circle, Suite 185, Larkspur, California 94939.

On February 10, 1994 I served the within Report and Recommendation of Discovery Referee with Proposed Order re Plaintiff's Motion to Compel Production of Documents by Defendants and Order in said action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Larkspur, Marin County, California, addressed as follows:

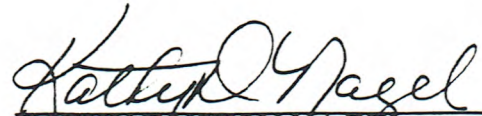
Laurie Bartilson
Bowles & Moxon
6255 Sunset Blvd, Suite 2000
Hollywood, CA 90028

Ford Greene, Esq.
Hub Law Offices
711 Sir Frances Drake Blvd.
San Anselmo, CA 94960-1949

Michael Walton, Esq.
Attorney at Law
P. O. Box 751
San Anselmo, CA 94960

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 10, 1994


KATHY DUSTON NAGEL

1 Andrew H. Wilson, SBN 063209
2 WILSON, RYAN & CAMPILONGO
3 235 Montgomery Street
4 Suite 450
5 San Francisco, California 94104
6 (415) 391-3900

7 Laurie J. Bartilson, SBN 139220
8 BOWLES & MOXON
9 6255 Sunset Boulevard, Suite 2000
10 Hollywood, CA 90028
11 (213) 463-4395

12 Attorneys for Plaintiff and
13 Cross-Defendant CHURCH OF
14 SCIENTOLOGY INTERNATIONAL

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 FOR THE COUNTY OF MARIN

17 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
18 INTERNATIONAL, a California not-)
19 for-profit religious corporation;) DECLARATION OF LYNN R.
20 Plaintiffs,) FARNY IN SUPPORT OF CHURCH
21 vs.) OF SCIENTOLOGY
22) INTERNATIONAL'S MOTION FOR
23) SUMMARY JUDGMENT
24)
25 GERALD ARMSTRONG; MICHAEL WALTON;) [C.C.P. 437c]
26 et al.,)
27)
28 Defendants.) DATE: _____, 1994
TIME: 9:00 a.m.
DEPT: 1

29 GERALD ARMSTRONG,)
30)
31 Cross-Complainant,) DISCOVERY CUT-OFF: Aug. 30,
32) 1994
33 vs.) MOTION CUT-OFF: Sept. 13,
34) 1994
35) TRIAL DATE: Sept. 29, 1994
36)
37 CHURCH OF SCIENTOLOGY)
38 INTERNATIONAL, a California)
39 Corporation; DAVID MISCAVIGE;)
40 DOES 1 to 100;)
41 Cross-Defendants.)
42)
43 _____)

44 I, Lynn R. Farny, hereby declare:

45 1. My name is Lynn Farny. I am the corporate secretary of

1 Church of Scientology International ("the Church"), plaintiff in
2 this action. I have personal knowledge of the facts set forth in
3 this declaration and could competently testify thereto if called
4 as a witness.

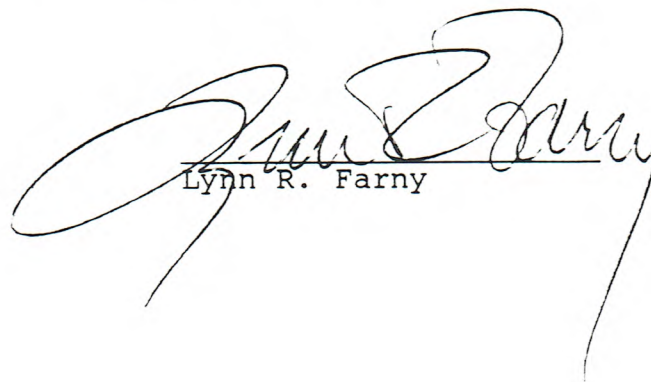
5 2. I am the Church representative responsible for the
6 litigation of this action. As part of my duties, I supervise all
7 of the Church staff who work with counsel on the case.

8 3. I have reviewed the documents that were produced in
9 this matter by defendants Gerald Armstrong and Michael Walton.
10 Those documents were shown to me by the Church's attorneys when
11 they were produced by defendants.

12 4. I did not give the documents, or copies of the
13 documents, to anyone else, nor have I authorized their use or
14 distribution for any purpose other than the preparation of this
15 case for trial. The documents have not been used by me or by any
16 of the Church staff, agents, employees or representatives for any
17 other purpose.

18 I declare under the penalty of perjury under the laws of the
19 State of California that the foregoing is true and correct.

20 Executed this 22nd day of July, 1994, at Los Angeles,
21 California.

22
23 
24 Lynn R. Farny
25
26
27

28 H:\ARMFRAUD\XCLMSJ.LRF

1 Andrew H. Wilson
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2 235 Montgomery Street
Suite 450
3 San Francisco, California 94104
(415) 391-3900
4 State Bar No.: 063209

5 Laurie J. Bartilson
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6 6255 Sunset Boulevard, Suite 2000
Hollywood, CA 90028
7 (213) 953-3360
State Bar No.: 139220

8
9 Attorneys for Plaintiff and
Cross-Defendant CHURCH OF
SCIENTOLOGY INTERNATIONAL
10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF MARIN

13 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
14 INTERNATIONAL, a California not-)
for-profit religious corporation;) DECLARATION OF LAURIE J.
15 Plaintiffs,) BARTILSON IN SUPPORT OF
16 vs.) CHURCH OF SCIENTOLOGY
17) INTERNATIONAL'S MOTION FOR
GERALD ARMSTRONG; MICHAEL WALTON;) SUMMARY JUDGMENT
18 et al.,)
19 Defendants.) [C.C.P. 437c]
20 _____)
21 GERALD ARMSTRONG,) DATE: _____, 1994
22 Cross-Complainant,) TIME: 9:00 a.m.
23 vs.) DEPT: 1
24 CHURCH OF SCIENTOLOGY) DISC. CUT-OFF: Aug. 30,
INTERNATIONAL, a California) 1994
25 Corporation; DAVID MISCAVIGE;) MOTION CUT-OFF: Sept. 13,
DOES 1 to 100;) 1994
26 Cross-Defendants.) TRIAL DATE: Sept. 29, 1994
_____)

27
28 I, Laurie J. Bartilson, hereby declare:

[] **** (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressees.

[] ****** Such envelopes were hand delivered by Messenger Service

Executed on _____, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Laurie Bartilson
Print or Type Name

LS
Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)